



DAILY INFORMATION BULLETIN

ISSUED BY GOVERNMENT INFORMATION SERVICES
BEACONSFIELD HOUSE, HONG KONG. TEL.: 2842 8777

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Transcript of Financial Secretary's remarks on CT9

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Following is a transcript of the remarks by the Financial Secretary, Mr Donald Tsang, at the media session on Container Terminal 9 this (Wednesday) afternoon:

Question: ...Inaudible...?

Financial Secretary: There has been no lack of clarity. I think in the statement issued it is quite clear that two Ministers had reached a common view on the way which we should go ahead. It is also clear that provided..provided that the various corporations interested in the development of Terminal Nine would come up with a proposal acceptable to them and establish on the basis which I've just described, in that it would promote the efficiency and the competitiveness of our container terminal development and the two governments would be able to accept that. And then from the Hong Kong Government's point of view, it is a very very important development and I would like to urge the terminal operators to concentrate their minds on this way forward.

Question: What role will Jardine be playing in the ...(Inaudible)..?

Financial Secretary: Well, in a way it is one of the players involved and they should participate in the talks.

End

Statement on Container Terminal 9

* * * * *

The Hong Kong Government issues the following statement today (Wednesday):

"Since the agreement between the Foreign Ministers in October last year to intensify efforts to find a solution to the question of Container Terminal 9, discussions have taken place with all the commercial parties involved.

"These discussions have proceeded on the basis that the best way forward to secure arrangements for the effective, rapid and competitive development of Hong Kong's container port should be through the rationalisation of berth ownership in container terminals one through nine.

"In their meeting on January 9 the Foreign Ministers reviewed the progress of these discussions and confirmed that, once the consortia had reached agreement on this basis, such an arrangement would be acceptable to the two governments.

"Hong Kong Government spokesman welcomed this outcome of the Foreign Ministers' meeting and urged the consortia to bring their discussions to an early and successful conclusion."

End

Revision of fines for immigration offences

* * * * *

Fines for immigration offences, including illegal employment, will be revised from Friday (January 12), a government spokesman announced today (Wednesday).

Fines for offences arising from registration of births, deaths and marriages, and registration of persons will also be revised from that date.

For crimes against illegal employment, the spokesman said the maximum fine for employing a person not lawfully employable would be increased from the current \$250,000 to \$350,000 and for remaining unlawfully, from \$10,000 to \$25,000. "These fines were last reviewed in 1990," he said.

The maximum fine for an employer who fails to inspect proof of identity will be raised from \$50,000 to \$150,000, and for breach of condition of stay, from \$5,000 to \$50,000.

"The fines for the above two offences were last reviewed in 1980 and 1972 respectively," the spokesman said.

He said all fines not exceeding \$100,000 would be converted into a standard scale of six levels in accordance with the Criminal Procedure (Amendment)(No 2) Ordinance 1994 enacted in July 1994.

"In addition, the maximum fines have been adjusted to take account of the inflation rate since the fines were last reviewed," he said.

"By revising the fines to catch up with the rate of inflation, the deterrent effect can be maintained," the spokesman explained.

End

Tighter control on construction noise

* * * * *

A new regulation aiming to put further control on noise from construction work will be gazetted on Friday (January 12).

"Certain manual construction activities, such as hammering, rubble disposal through metal chutes and the handling of steel bars, as listed under the Noise Control (Construction Work) Regulation, which have been a long standing source of disturbance for many people, will no longer be permitted in designated areas during noise sensitive hours.

"The new regulation should bring welcome relief to them," acting Principal Environmental Protection Officer of the Environmental Protection Department (EPD), Mr Sam Wong Wai-hong, said today (Wednesday).

"Permits for the carrying out of these activities would not normally be granted except for very special circumstances, such as urgent road maintenance and repairs to water, gas and electric utilities in busy roads, or for those employing particularly quiet construction methods," he said.

"Through a new Technical Memorandum, we have also tightened up control on the use of five items of powered mechanical equipment including vibratory pokers, jackhammers, bulldozers, concrete mixer lorries and dump trucks in designated areas. The control will be the same as the other powered mechanical equipment covered by the existing permit system, but with a much more stringent noise limit."

For the purpose of this regulation, the noise sensitive hours are defined as those between 7 pm and 7 am on weekdays, and at any time during general holidays, including Sundays.

Designated areas as referred to under the regulation cover generally the residential districts of Hong Kong, Kowloon and new towns in the New Territories. Maps showing the designated areas are now available for inspection at EPD's Local Control Offices.

To allow time for the construction industry to prepare for these new controls, the regulation will not come into effect until November 1, 1996.

"Anyone who breaches the regulation is liable to a maximum fine of \$100,000 on first conviction and \$200,000 on second or subsequent convictions," Mr Wong said.

End

SEM's statement on Immigration Bill

Following is a statement by the acting Secretary for Education and Manpower, Miss Jackie Willis, on Legislative Councillor, Mr Michael Ho's Private Member's Bill on Immigration (Amendment) Bill 1995 which will be tabled in the Legislative Council for first and second reading today (Wednesday):

"The Supplementary Labour Scheme (SLS) announced by the Government yesterday (Tuesday) has been well received by the employers, employees and the community at large as reflected in the press reports today. The scheme is devised to strike a balance between all interests and it is a result of intensive discussions with all concerned parties.

"We are absolutely opposed to Mr Ho's Private Member's Bill because this Bill if passed, would immediately stop all importation of labour schemes and it is clearly not in the interest of the community. We have now the SLS which meets our community's needs. It is a fair and reasonable scheme well grounded in community support.

"The importation of labour schemes have been and should remain administrative measures so as to retain the flexibility to react swiftly to economic changes. We believe this is in Hong Kong's best interest.

"We strongly urge members of the Legislative Council to oppose this Bill."

End

Yearly figures on court insolvency cases released

There were 481 new compulsory company liquidations last year, representing less than 1.5 per cent of the total number of new companies incorporated during the year (33,000).

Reviewing the work of the Official Receiver's Office in 1995, the Official Receiver, Mr Robin Header, said the number of new compulsory company liquidations was only around 0.1 per cent of the total number of companies (472,000).

The corresponding figure in 1994 was 426.

Mr Hearder said the number of new bankruptcies increased from 306 in 1994 to 455 last year.

"The majority of the increase was attributable to non-business individuals, only the minority concerned sole traders and partnerships," he said.

He added that although the total number of new court insolvencies had increased in 1995, it was still low in comparison with other overseas jurisdictions.

"Some of the economic reasons included the moderation which occurred in some parts of the economy such as the consumption sector, cash flow and credit problems, the consolidation in the stocks and property markets, and the 'spill-over' effect on China's micro-economic adjustment and control measures."

The businesses mainly affected by compulsory company liquidations and bankruptcies included garment and knitting manufacturing, company directors giving personal guarantees, restaurants and canteens, importers and exporters, electrical and electronic manufacturing, construction and engineering, and transportation and godowns.

Petitions were filed by trade creditors (35 per cent), the Director of Legal Aid (33 per cent), banks and financial institutions (20 per cent), landlords (5 per cent), shareholders (3 per cent), personal (1 per cent) and others (3 per cent).

On insolvency prosecutions, there were 120 summonses as against 77 in 1994 issued against bankrupts and directors of compulsory wound-up companies for failure to submit statement of affairs to the Official Receiver, failure to keep proper books and records and misconduct.

A total of 86 bankrupts or directors as against 72 in 1994 were convicted. The total amount of fines imposed by the court was \$524,980 as against \$548,380 in 1994.

Fifty warrants of arrest were issued against uncooperative bankrupts or directors in 1995 and 19 warrants were implemented.

Forty orders for disqualification of company directors were made by the Court in 1995. The directors concerned were prohibited from acting as directors for periods varying from one to three years. Total dividends declared by the Official Receiver during 1995 (excluding BCCHK) amounted to \$71.7 million in 242 insolvencies, as against \$62.58 million in 232 insolvencies in 1994.

One hundred per cent preferential payments or ordinary dividends were declared in 100 insolvencies. Substantial dividends were also declared to the creditors of Armour Insurance Company Limited (\$21.07 million) and Nugan Hand Bank (\$3.2 million).

Funds administered by the Official Receiver at the end of December 1995 (excluding funds pertaining to the BCCHK liquidations) totalled \$1,052 million compared with \$1,093 million at December 31, 1994, representing a reduction of \$41 million.

The Official Receiver also administered US\$1.8 million (US\$2.9 million at December 31, 1994) and Japanese Yen 271 million (Yen 270 million at December 31, 1994).

The BCC funds under the Official Receiver's administration amounted to approximately \$901 million (\$1,949 million at December 31, 1994).

The total number of active insolvency cases being handled by the Official Receiver's Office at the end of the year was 2,509, representing 1,476 compulsory liquidations and 1,033 personal bankruptcies, as against a total of 2,208 at the end of 1994.

End

Reward scheme to combat illicit cigarette activities renewed

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The Customs and Excise Department and the Tobacco Institute of Hong Kong have agreed to renew the reward scheme concerning information on illicit cigarettes which commenced in 1994 and ended on December 31, 1995.

The scale of reward in the scheme has been revised with effect from January 1, 1996 as follows:

Quantity of cigarettes seized on any one occasion -----	Rate of reward (1995) -----	Rate of reward (1996) -----
Between 500,000 and 1,000,000	\$10,000	\$10,000
Between 1,000,001 and 1,500,000	\$20,000	\$20,000
Between 1,500,001 and 2,000,000	\$20,000	\$30,000
Over 2,000,000	\$50,000	\$50,000

The revision aims to make the scheme more attractive to informers and to encourage them to provide more information on illicit cigarettes. In effect, information leading to a seizure between 1,500,001 and 2,000,000 cigarettes will be awarded 50 per cent more than what was payable in the past.

In 1995, a total of \$140,000 of reward was paid out in seven cases. This represents an increase of 55 per cent over 1994 in terms of cash rewards paid to informers under the scheme.

The Customs and Excise Department is determined to repress all kinds of illicit cigarette activities, including smuggling, distribution, storage, selling and buying. In 1995, customs officers seized 317.5 million cigarettes as compared with 179 million in 1994, representing an increase of 77 per cent.

The Anti-Cigarette Smuggling Task Force set up since August 1993 aims at the detection and investigation of syndicated smuggling and has achieved significant results. In 1995, the task force seized 284 million cigarettes which represented 89 per cent of the total seizures made by the whole department.

Reflecting the success of enforcement actions is the black market price of contraband cigarettes which has risen by 40 per cent since the end of 1994. However, the problem of cigarette smuggling has remained serious and the department is determined to continue its efforts to tackle it.

Recognising that useful information will enhance the department's achievements in this respect, the Tobacco Institute of Hong Kong considers that the reward scheme should continue and has pledged to co-operate fully with the department in the battle against illicit cigarette activities.

The Chairman of the Tobacco Institute, Mr R J Fletcher, said: "By supporting the efforts of the Customs and Excise Department in combating the crime of smuggling we recognise the impressive results of their efforts to date and hope that our continued assistance with the informant reward scheme will further contribute to its success, which is of considerable benefit to the maintenance of law and order in the community."

Information on illicit cigarettes may be provided to the department in any of the following ways:

- (a) by telephoning 2545 6182 (24 hours);
- (b) by fax on 2543 4942 (24 hours);
- (c) by making a "Customs Crime Report" which is available at any Customs Office or District Office;
- (d) by letter to the Hong Kong Customs and Excise Department (GPO Box 1166); and
- (e) by reporting in person at any Customs and Excise Office.

End

Language Fund invites applications

* * * * *

The Language Fund invites applications from organisations, schools including kindergartens, and individuals to undertake projects or activities to improve the proficiency in the use of Chinese (including Putonghua) and English languages in Hong Kong.

This is the only application being called for this year. The closing date is March 31.

The fund was set up in May 1994. It is a trust fund held under the Director of Education Incorporation Ordinance with an initial allocation of \$300 million.

The main objective of the fund is to support proposals and initiatives which will raise the standards in Chinese (including Putonghua) and English, enhance existing efforts and meet temporary shortfalls in language teaching resources.

In addition, the Language Fund will encourage research into problem areas and initiations of new approaches.

Projects or activities to be funded should be able to fulfil any one or more of the following objectives:

- * improving the motivation for language learning;
- * enhancing the quality of teacher education for language in education;
- * increasing the supply and quality of textbooks, reference materials and appropriate teaching aids; and
- * launching innovative projects which maximise proficiency.

Application forms are now available for collection from the General Enquiry Office of the Education Department, 15th floor, Wu Chung House, 213 Queen's Road East, Wan Chai or by writing to the Language Fund Secretariat, Room 1141, Wu Chung House, 213 Queen's Road East, Wan Chai.

Further enquiries can be directed to the Language Fund Secretariat on 2892 5772 and 2892 6642 or by fax on 2574 0340.

End

Three pieces of land to let

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The Lands Department is inviting tenders for the short-term tenancies of three pieces of Government land, one on Hong Kong Island and two in the New Territories.

The first lot, located in Mount Butler Road, has an area of 5,300 square metres for storage of tenant's goods, vehicles, construction equipment and material or for use as a commercial garden or a plant nursery or for film shooting, excluding the storage of container vehicles and trailers.

The tenancy is for one year, renewable quarterly.

With an area of 2,120 square metres, the second lot is located in Area 10C, Kwai Chung. It is designated for use as a fee-paying public car park for the parking of private cars and goods vehicles excluding container tractors and trailers.

The tenancy is for three years, renewable quarterly.

The third lot is located in Area 21, Luen Wo Hui, Fanling. It has an area of 3,840 square metres and is intended for parking small vehicles.

The tenancy is for 18 months, renewable quarterly.

Closing dates for submission of tenders for all three lots is noon on Friday, January 26, 1996.

Tender forms, tender notices and conditions may be obtained from the Lands Department, 14th floor, Murray Building, Garden Road or its district offices in Kowloon, Hong Kong West, Kwai Tsing and North District.

Tender plans can also be inspected at these offices.

End

Hong Kong Monetary Authority money market operations

	\$ million	Time (hours)	Cumulative change (\$million)
	-----	-----	-----
Opening balance in the account	1,950	0930	+51
Closing balance in the account	1,875	1000	+51
Change attributable to :		1100	+51
Money market activity	+40	1200	+40
LAF today	-115	1500	+40
		1600	+40

LAF rate 4.25% bid/6.25% offer TWI 123.2 *-0.1* 10.1.96

Hong Kong Monetary Authority

EF bills		EF notes				
Terms	Yield	Term	Issue	Coupon	Price	Yield
1 week	5.43	2 years	2711	5.60	100.41	5.43
1 month	5.41	3 years	3810	6.15	101.60	5.60
3 months	5.39	5 years	5012	6.38	101.93	6.01
6 months	5.37	7 years	7211	6.82	103.63	6.26
12 months	5.37	5 years	M502	7.30	104.32	6.34

Total turnover of EF bills and notes - \$21,350 million

Closed January 10, 1996

End



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SUPPLEMENT

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Motion debate on HYF fare increase

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Following is the speech by the Secretary for Transport, Mr Haider Barma, in the motion debate on the Ferry Services (Hongkong and Yaumati Ferry Company Limited)(Determination of Fares)(Amendment) Order 1995 in the Legislative Council today (Wednesday):

Mr President,

The Hongkong and Yaumati Ferry Company Limited is losing money. Their reasons for seeking a fare increase are more than justified. What are the Democrats up to? Do they understand the facts? Mr President, these statements and questions have been made and put to me by some Members of this Council, by the media and by many others.

I must say I am equally puzzled by the stark stance taken by the Democrats on this occasion. Their intentions may well be good and they may believe that they are protecting the public interest by seeking to reject HYF's application for a fare increase. But this does not detract from the fact that this time they have got it totally wrong. A freeze on the existing fare levels may be a populist move and may appear to be defensible as an anti-inflationary measure but in reality such a move is short-sighted because the consequences would be quite disastrous: I say this because it must be recognised that transport operators cannot sustain a loss-making business. Providing public transport is not a charity if LegCo vetoes a fare increase application for a franchised transport operator who is losing money, this would send out a very damaging signal. Which company would then be prepared to invest and come out to run transport services?

Let me briefly outline the facts. HYF has been losing money for the past two years, despite an increase in fares in July 1994. Why? Because operating costs have increased substantially and patronage has continued to decline from 75 million passengers in 1985 to 50 million in 1990 and less than 35 million in 1995. As a result HYF is in a serious predicament: its ferry services are heavily loss-making. In 1995, the Company had an estimated deficit of HK\$72 million. The forecast operating losses for 1996 and 1997 are even more astronomical. We have explained the facts very clearly to the LegCo Sub-Committee set up to consider this fare increase application. What is more, with HYF's agreement but in confidence, because of the need to comply with stock exchange rules, we have provided full cashflow projections to Members. These figures have been lodged with the LegCo Secretariat.

Indeed, the Hon Li Wing-tat has acknowledged that the sub-committee decision to recommend a rejection of the fare increase proposal was far from unanimous.

The fare increase now proposed will not, I repeat not, give the Company a profit. They will still be very much in the red. But the fare increase will provide HYF with immediate relief and improve its current cashflow. Some Hon Members have said that HYF have threatened to reduce or curtail its services if the fare increase application is rejected. Obviously if this happens they will then find it more difficult to maintain the present operations. I can only clarify that to reduce frequencies HYF must first obtain the Commissioner for Transport's agreement whilst curtailment of routes requires the Governor-in-Council's approval.

If HYF's future is so bleak, what can then be done to redress the situation? The answer lies in a "pier development package" through which the Company will be given development rights with a special fund set up for improving ferry services and stabilising fares in future years. I shall elaborate on this package in a moment.

I am very grateful to the Hon Miriam Lau and the Hon Ngai Shiu-kit for expressing so clearly their views of the Liberal Party and for their unequivocal support of HYF's application for a 13.96% fare increase. Their arguments and views are sound and deserve full support. I must also thank the Hon Chan Kam Lam, the Hon Ip Kwok-him, and the Hon Cheng Yiu-tong for explicitly stating the DAB's views on the fare increase proposal. It is re-assuring that they too are pragmatic and have accepted the fundamental justification to award HYF a fare adjustment although they advocate a slightly lower percentage.

Mr President, any reduction in the level of fare increase would have an impact on HYF's financial position while the adjustment by a 1.6% may seem insignificant in monetary terms, however, we estimate the total fare received forgone will be in excess of HK\$6 million in 1996 for HYF. This is a very significant sum of money for a ferry company bearing in mind its current financial difficulties. A lower rate will only serve to aggravate HYF's position. The Administration cannot therefore support a lower level.

May I also, Mr President, take this opportunity to thank the Hon Margaret Ng and the Hon Choy Kan-pui so eloquently summarising the scenario which HYF faces. I also acknowledge with gratitude the support and understanding from other Members.

Mr President, it would appear that the Democrats simply refuse to listen to reason or face the facts. Their counter-proposals are totally unrealistic because they fail to recognise the gravity of HYF's plight and the urgency of granting this fare increase. Let me try to rebut their points.

First, the Democrats have argued that no fare increase should be given because of the "development package". This argument is flawed. But here, may I first correct the Hon Li Wing-tat's assertion that the Administration had entered into a secret deal with HKF. The basic terms had been made public. During the negotiations confidential discussions are necessary. Let me again outline again the general terms of the pier development package. Permission to allow HYF to develop their 4 new piers in Central District is subject to their acceptance of certain basic terms: These include (1) a private treaty grant with the payment of premium assessed at full market value. And here, the suggestion made by the Hon Albert Ho that a private treaty grant does not in fact result in full market premium I think with respect was a fairly wide and sweeping statement; (2) HKF must provide an undertaking that they will set aside for the benefit of ferry passengers at least HK\$640 million or 60% of their development profits plus 50% of rental income whichever is more. The money will be used to implement a clearly defined service improvement programme and to cover part of HYF's operating loss.

What must be clearly understood is that with the development package, funds do not become available for at least 3 to 4 years. A fare increase is therefore absolutely essential now.

When I briefed the LegCo Transport Panel on the terms of the development package on 13 July 1995, I made it very clear that even with the development package HYF would still need to seek increase its fares in line with inflation to enable it to earn a very modest return. Even then, HYF is not expected to break even until 1999.

The Democrats have also suggested that because Hongkong Ferry (Holdings) Company (HKF), HYF's parent company, is making a profit, it should fund the operating losses of HYF and hence obviate the need for a fare increase. It must be emphasised that HKF is already relying on its other operations to keep the ferry services going. However, faced with mounting operating deficits, there would come a time when the total revenue HKF can generate from its other operations will be insufficient to cover HYF's losses. When this happens, as a listed company, HKF will be obliged to review its ability to maintain its existing ferry services, much less to implement any more service improvements.

Second, the Democrats and other critics have argued that HYF does not deserve any fare increase because the standard of services they have provided is poor. No doubt there is plenty of room for improvement. But in all fairness, HYF has a good safety record. The number of public complaints about their services has dropped from 234 in 1994 to 195 last year. HYF has introduced a number of service improvements despite its unsatisfactory financial position. Major improvements include the purchase of three catamarans for the Tuen Mun to Central services; introduction of hoverferry service between Tuen Mun and Wan Chai, Tsuen Wan and Central (via Tsing Yi). But since one catamaran costs \$35 million plus (in perspective this is 17 times the cost of a new bus), the company's ability to continue to incur such expenditure, is limited. It is also noteworthy that HYF has been responsive to requests for temporary relief ferry services, for example, in helping to deal with traffic congestion on Tuen Mun Road particularly during the road closure period.

I have listen very carefully to the Hon Libby Wong's comments and other Members' comments on the present shortcomings of the part of both management and staff. I have been the Hon Members the commitments that had been sought and that is the Administration will take all practical steps to require HYF to improve its performance and level of services. HYF has started to move in the right direction. Nut as the Hon Miriam Lau has quite correctly pointed out it is a chicken and egg issue: they need the resources to implement major improvements. The development package as I've said includes a clearly define service improvement programme. Details have also been lodged with the LegCo Secretariat.

Third, the Democrats ask why Government does not provide a direct subsidy or purchase new ferries? As I have said before in this Council, one of the fundamental reasons why, in overall terms, we have a good and efficient transport system in Hong Kong is because the private sector is involved in providing such services. Let me make it crystal clear that the Government has no intention whatsoever of running public transport on its own nor will the Government provide any direct public subsidy. It would therefore be wishful thinking on the part of the Democratic Party if one of their reasons for attempting to block the fare increase under consideration is to force the Government into such a situation. It must be realised the implications are far-reaching: a direct Government involvement in public transport will result in a substantial diversion of public funds and in turn this could mean that money then available, for example, for education, housing, social services etc, could be reduced.

Fourth, the Democrats seek more competition. This ignores the real constraints facing ferry operations. HYF's ferry services as I've said are heavily loss-making because patronage has declined drastically as a result of increased competition from MTR and cross harbour buses. This is a hard fact which any new operator will, if any, will have to face. If we are to throw open the market and tender out the whole HYF ferry network, who would be interested in operating such a business? Without good prospects and an assurance of its ability to increase fares to cover increase in operation costs, how could a newcomer, bearing in mind the huge capital outlay that is necessary, secure the necessary finances to start off the ferry operations? We cannot simply extract the profitable routes, give them to a new operator, and leave the loss-making ones to HYF. This would be a recipe for disaster.

For these reasons, and in answer to several comments that the Administration does not consider other parties have any interest in bidding for the development package I should say that this had been considered.

Mr President, fare increases are never popular. But costs do increase and it is only reasonable to give franchised operators a reasonable return for their investment. It must be clearly understood that in HYF's case, even with the fare increase now sought, the Company will suffer a substantial loss.

HYF's application for a 13.96% increase in fares is totally justified. We have carefully analysed their operating costs and projected income and expenditure. The submission in turn has been scrutinised by the Transport Advisory Committee and endorsed by the Executive Council. Moreover there has been a great deal of support by the media as evidenced by editorials in both the Chinese and English press. Even the Islands District Board has accepted the need for a fare increase although they have sought a slightly lower level.

To support the Honourable Lee Wing-tat's motion would be to totally ignore the realities of HYF's dilemma and the need to safeguard the current level of ferry services. Given the many occasions in this Chamber when the Democrats have demanded improved ferry services, for example, to Northwest New Territories, is it not now contradictory for them to do an about face by seeking to torpedo HYF when it comes to providing what is no more than a helping hand to tie the Company over their present predicament?

Mr President, we need to consider HYF's fare increase application rationally and pragmatically. If we do this, the solution then becomes obvious. A fare increase of 13.96% must be approved if we are to maintain essential ferry services and safeguard the public interest. There is in fact no choice but to vote down the Hon Lee Wing-tat's motion. I urge Members to do this.

Thank you, Mr President.

End

Review of industrial safety in Hong Kong

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Following is the speech by the acting Secretary for Education and Manpower, Miss Jacqueline Willis, in a motion debate on the review of industrial safety in Hong Kong in the Legislative Council today (Wednesday):

Mr President,

I welcome the motion put forward by Dr Samuel Wong and amendments to the motion that it had stimulated as it offers me an opportunity to explain Government policy and future plans on improving safety and health in the workplace.

Industrial Safety

Government has always taken industrial safety, and for that matter, occupational safety and health of our workforce very seriously. During the last decade we have made considerable efforts to improve the standards of industrial safety in Hong Kong. The principal legislation governing safety and health at work is the Factories and Industrial Undertakings Ordinance (FIUO). In 1989 the FIUO was amended to impose general duties on the employers and employees. Under the provision, employers are responsible for taking all reasonably practicable steps to ensure the health and safety of all persons employed at the workplaces. Workers also have the duty to exercise reasonable care at work and co-operate with their employers on safety measures.

In 1990 the FIUO was extended to cover the catering industry. New regulations under the FIUO were introduced to require the employment of safety officers and safety supervisors at construction sites, the training and certification of operators of cranes and suspended working platforms in 1986, 1993 and 1994 respectively. A Safety Programme Promotion Unit was also set up within the Labour Inspectorate Division of the Labour Department in 1987 to assist the industry to promote voluntary safety programme such as safety committees, safety policy and publicity activities.

With the onset of the Airport Core Programme (ACP) in 1991, Government, as an employer, introduced special contract conditions to enhance the safety standard at ACP works sites. Our contractors are required, for example, to employ extra safety personnel, implement safety plans, set up site safety committees, conduct safety audits and carry out tool box meetings with workers. The use of special contract conditions to improve industrial safety has been extended to the Public Works Programme and the Housing Authority's works projects.

The initiatives taken by Government have achieved a reasonable degree of success in improving industrial safety in Hong Kong. Since 1988 the total annual number of industrial accidents have been on a downward trend. For 1995, the provisional statistics show that there has been an encouraging 7.1 per cent reduction in the total number of industrial accidents compared with 1994. Nevertheless, the overall accident rates per thousand workers and the number of fatalities arising from industrial accidents, particularly in the construction industry, has remained unacceptably high. For instance, despite a reduction in the overall number of industrial accidents, a total of 77 workers were killed in industrial accidents in 1995. This represents a sharp rise from the 1994 figure of 67 deaths.

It is clear that Hong Kong must do much more to reduce the number of industrial accidents and the number of deaths arising from them. As a policy commitment in the 1994 Policy Address, Government started a comprehensive review of industrial safety in Hong Kong in late 1994 and published in July 1995 the 'Consultation Paper on the Review of Industrial Safety in Hong Kong' for public comments.

We put forward a total of 45 recommendations in the consultation paper to improve Hong Kong's industrial safety record. We believe that the primary responsibility for safety and health at work rests with the proprietors, who create the risks, and the workers, who work with such risks. Our ultimate goal is self-regulation by the proprietor and his workforce. Government's role should be to provide a framework with legislative and administrative components within which self-regulation is to be achieved through a company system of safety management. This should be backed by enhanced enforcement focused on establishments where the self-regulation is not working. I am glad to report that our recommendations have received general public support during the consultation period. I shall elaborate on the implementation of the recommendations later.

Occupational Health and the Non-Industrial Sectors

Turning now to the question of occupational health and protection of the non-industrial workers, this is certainly an important area and we have not been idle. In 1988 we set up the Occupational Safety and Health Council (OSHC) with the following statutory functions:

- (a) to foster greater awareness among the community;
- (b) to promote the application of modern technology;
- (c) to promote education and training;
- (d) to disseminate technical knowledge;
- (e) to develop strategies and formulate programmes;

- (f) to provide consultancy services; and
- (g) to encourage and facilitate co-operation and communication between the Government, employers, employees and relevant professional and academic bodies, in furtherance of the encouragement and promotion of higher standards of safety and health for people at work.

Since its establishment the OSHC has been effective and active in enhancing the occupational safety and health of all workers in Hong Kong. There is of course much more to be done. As an example of its work in promoting occupational health, in 1994 and 1995 the Council organised 120 occupational health seminars and symposia for 30,000 participants, 40 workers activities for 21,000 participants, 120 training courses for over 3,700 participants and 80 occupational hygiene surveys or site assessments. The OSHC also published over 160 guidance books, magazines, leaflets and posters on occupational health.

In addition, the Occupational Health Division of the Labour Department also provides advice and information on the prevention of work-related injuries and occupational diseases and organises health talks, exhibitions and publications on occupational health. The Factory Inspectorate Division of the Labour Department offers close support to the services provided by the OSHC and the Occupational Health Division. The Factory Inspectors also work closely together with occupational hygienists of the department to investigate complaints concerning use of hazardous substances and health aspects of work environments.

Legislative Programme

(A) Factories and Industrial (Amendment) Bill

Dr C H Leung has asked for a concrete time table for implementing the recommendations in the consultation paper. We have a busy legislative programme ahead. First, we plan to submit to this Council in May the Factories and Industrial Undertakings (Amendment) Bill to introduce a safety management system with the following components:

- (a) a company safety policy;
- (b) safety plans to implement the safety policy;
- (c) safety committees consisting of representatives from the management and workers;
- (d) regular safety audits or safety reviews;
- (e) general safety training for all workers; and
- (f) specific training for workers engaged in hazardous trades or processes.

These components should, in varying degrees, be applied by law to different industries covered by the FIUO, subject to certain qualifications such as the nature of the work, the size of employment and the value of contract for construction projects.

In this connection, I note that Mr Tsang Kin-shing called for legislative provision for the setting up of safety committees. We are certainly going to do this. A safety committee is but just one of the components of a safety management system which we are promoting in Hong Kong. To be more effective, a safety committee should be operating together with company safety policy and plans, safety audits or safety reviews, as well as enhanced safety training for the workers. However, we do not think it is appropriate to require the setting up of safety committees in all occupations and trades in one go. We believe that a step by step approach is more suitable. Accordingly, as a start, we are requiring the setting up of safety committees in all establishments covered by the FIUO and employing 100 or more workers. The requirement for safety committees will be extended to establishments with 50 or more workers in future in the light of operational experience.

At the same time, particular aspects of the enforcement efforts will need to be strengthened to target those establishments where self-regulation is not working. We will therefore propose in the Factories and Industrial Undertakings (Amendment) Bill that the Commissioner for Labour should be given a broader range of powers. This will include the power to issue suspension notices and improvement notices to give the Commissioner more flexible and more effective measures to bring about the necessary improvements.

(B) Safety and Health At Work Bill

In June we will introduce a Safety and Health At Work Bill into this Council to extend protection on occupational safety and health to workers in the non-industrial sectors. The bill will be accompanied by two sets of subsidiary regulations covering the safety, health and welfare of the workplace and manual handling operations. Other subsidiary regulations covering personal protective equipment at work, dangerous substances, health and safety of using visual display screens and use of work machines and equipment will be introduced in stages.

(C) Other Regulations

We also plan to introduce amendments to the Confined Spaces Regulations and the Construction (Safety) Regulations in this Council in July to improve the safety of workers working in confined spaces and at height. New regulations to extend the certification scheme to operators of earth-moving machines on construction sites and fork-lift trucks in industrial premises will be introduced in the 1996/97 legislative session.

Other Measures

Apart from new legislation, the Labour Department is implementing administratively improvements to its enforcement actions and adjusting its role in safety training. The Factory Inspectorate Division of the Department is undergoing re-organisation to enhance its effectiveness and functioning under the new safety management approach. The manpower of the Labour Department will be increased with the creation of 66 additional posts in 1996-97 and 29 more in subsequent years to implement the proposals in the consultation paper. The total annual recurrent cost will be \$36.7 million

The safety management system is a relatively new concept in Hong Kong. An ongoing and enhanced programme of education and training is therefore needed to inculcate a safety culture. Employers and workers must be convinced to support and embrace the safety management system and also trained for their new roles under it. In this respect, the Occupational Safety and Health Council will play a greatly enhanced role in the co-ordination and provision of training, education, promotion and publicity on industrial safety in future.

Codes of Practices

As regards the suggestion that the recommendations of the consultation paper should be implemented primarily by codes of practices. I must point out that a code of practice, approved or otherwise, is no more than an administrative tool for the reference by both the enforcement agents and the proprietors. It is therefore in itself not an extension of the law. Any person who has failed to observe the requirements set out in a code of practice is not held criminally liable. In other words, non-compliance can only have evidential value in certain criminal proceedings.

It is very important to distinguish the force of law and the reference value of a code of practice. There are severe drawbacks in relying simply on codes of practices to implement the recommendations in the consultation paper. Our enforcement agents will have practically no power to bring the offenders to court, irrespective of the gravity of the offence. I hope Members will appreciate that without adequate legislative sanction, the Government will not be able to impress upon the contractors and proprietors that we mean business in ensuring safety and health in the workplace.

I agree with Mr Ronald Arculli that many parties share responsibility for ensuring safety and health at the workplace. We firmly believe that both the employers and the workers should have an equally important part to play. It is indeed the key element for the success of a safety management system. As regards the need for consultation on a practical and realistic timetable, I can assure this Council that it has been Government's long standing practice to consult all those likely to be affected. It has also been our practice to allow a grace period so that the trades concerned can have adequate time to train their staff and the workforce, and prepare themselves for the introduction of the new law. We will certainly consult all relevant professional, employers and employees bodies on implementing the recommendations in the consultation paper. The time table for implementing the recommendations will be tight, but it will be practicable and realistic.

I look forward to Members support when our legislative proposals are submitted to this Council later this year.

Thank you, Mr President.

End

Hong Kong Council for Academic Accreditation Annual Report

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Following is the speech by the acting Secretary for Education and Manpower, Miss Jacqueline Willis, in presenting the Hong Kong Council for Academic Accreditation Annual Report 1994-95 at the Legislative Council today (Wednesday):

Mr President,

I have pleasure in presenting a report of the highlights and main features of the Hong Kong Council for Academic Accreditation's fifth Annual Report.

The HKCAA's role and responsibilities were to validate degree programmes and review the general academic standards of Hong Kong's four non-university degree awarding tertiary institutions during 1994-95. Also, it provided authoritative advice on the standards of qualifications; monitored and disseminated information on higher education, quality assurance and academic standards at home and abroad and continued to develop links with quality assurance bodies throughout the world.

During the year the HKCAA carried out accreditation exercises and related work with the Hong Kong Academy for Performing Arts, the Open Learning Institute, the Lingnan College and the Hong Kong Institute of Education. Seven exercises were conducted, including two institutional reviews, two validations, two revalidations and the monitoring of requirements placed on one degree programme which had been previously validated. As a result of its institutional review of the Open Learning Institute of Hong Kong, the Council was pleased to be able to recommend the institute be awarded self-accreditation, subject to the completion of a transition period of one year during which final arrangements for the transfer of full responsibility for academic accreditation could be made.

As the initiator of the International Network for Quality Assurance Agencies in Higher Education, the HKCAA had administered the Network since its inception in 1991. The Network had developed considerably with 80 member organisations from 38 countries, and it was considered time for others to play a leading role. Thus, in July 1995 the HKCAA passed on that responsibility to the New Zealand Universities Academic Audit Unit.

The Council values its strong links in the region and in October 1994 received a delegation from the State Education Commission of the People's Republic of China. Five more key liaison events with China occurred during the year in particular a Council delegation in June 1995 to Beijing to meet the State Education Commission and to visit institutions and discuss higher education and its evaluation. Furthermore, the HKCAA continued its work with the Chinese Society of Higher Education Evaluation to organise an international conference, to be held in Beijing on Quality Assurance and Evaluation in Higher Education.

The Council's role in the provision of advice and information on academic accreditation and the comparability of standards increased significantly during the year particularly in response to requests from various Government Branches and departments. For instance, during the year the HKCAA considered over 200 cases from the Civil Service Branch of which around 90% related to qualifications of prospective Government employees which were obtained in the PRC and Taiwan.

I should like to report briefly on the HKCAA's financial position for the year ending March 1995. The HKCAA is non-profit-making and is tax exempted. It is funded through fees approved by Government for its activities. Its actual income of \$8.839m closely followed the budget of \$8.85m. On the expenditure side, there was a saving of just over \$2m owing to general cost containment and a lower than planned level of accreditation activities resulting in the post of the Deputy Executive Director being unfilled for part of the year. Total expenditure, however, fell short of the budgeted provision by \$1.56m which was financed by the Council's accumulated reserve.

Finally, I would like to take this opportunity to thank the Chairman and members of the HKCAA for their services to the Council and their continued contribution to the development of tertiary education in Hong Kong.

End

Preparations for vulnerable witness protection legislation

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The necessary preparations for the legislative reforms to enable vulnerable witnesses in criminal cases to give evidence without fear and without suffering unnecessary emotional distress were completed today (Wednesday).

These preparations were completed with the approval by the Legislative Council today of the Application for Dismissal of Charges Contained in a Notice of Transfer Rules made by the Chief Justice last month.

Moving a resolution in the council today, the Attorney General, the Hon Jeremy Mathews, said the Criminal Procedure (Amendment) Ordinance 1995 introduced a number of new procedures. One of them was to prevent child or mentally handicapped witnesses from being required to give evidence in court twice in relation to serious abuses - once at the committal proceedings and again at the trial.

In future, committal proceedings will not be needed when the Director of Public Prosecution issues a "notice of transfer" certifying that the evidence was sufficient for the accused to be committed for trial, he said, and a defendant to whom a "notice of transfer" relates may make an application to the High Court for dismissal of charges contained in the notice.

The Chief Justice has now made rules setting out the procedure in applying for dismissal of charges contained in a notice of transfer, the procedure on the notification of the application, the manner in which the application is to be determined and the procedure on the notification of the determination.

The rules also provided for the right of a defendant to make an application through his or her legal representative, he added.

Mr Mathews explained that the approval of the rules by the Legislative Council would complete the necessary preparations for the reforms contained in the ordinance and he intended to bring the ordinance into operation next month.

End

Resolution on vulnerable witness protection

* * * * *

Following is the speech by the Attorney General, the Hon Jeremy Mathews, in moving a resolution in the Legislative Council today (Wednesday) on the Application for Dismissal of Charges Contained in a Notice of Transfer Rules made by the Chief Justice on December 4, 1995:

Mr President,

I move the resolution standing in my name in the Order Paper. The resolution is to the effect that the Application For Dismissal of Charges Contained in a Notice of Transfer Rules, made by the Chief Justice on 4 December 1995, be approved.

The Criminal Procedure (Amendment) Ordinance 1995 introduced a number of new procedures to enable vulnerable witnesses in criminal cases to give their evidence without fear and without suffering unnecessary emotional distress. One of these procedures is to prevent child or mentally handicapped witnesses from being required to give evidence in court twice in relation to serious abuses - once at the committal proceedings and again at the trial. Committal proceedings will not be needed when the Director of Public Prosecution issues a "notice of transfer" certifying that the evidence is sufficient for the accused to be committed for trial. While the "notice of transfer" procedure aims to save child and mentally handicapped witnesses from having to give evidence twice, a defendant to whom a "notice of transfer" relates may make an application to the High Court for dismissal of charges contained in the notice. Section 79G provides that the Chief Justice may make rules or directions in respect of an application for dismissal of charges contained in a notice of transfer. Any such rules or directions require the approval of this Council before taking effect.

The Chief Justice has now made rules setting out the procedure in applying for dismissal of charges contained in a notice of transfer, the procedure on the notification of the application, the manner in which the application is to be determined and the procedure on the notification of the determination. The rules also provide for the right of a defendant to make an application through his or her legal representative.

The approval of the rules to-day will complete the necessary preparations for the reforms contained in the Ordinance. I intend to bring the Ordinance into operation next month.

Mr President, I beg to move.

End

Motion to increase fines in immigration related legislation

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Following is the speech made by the acting Secretary for Security, Mrs Carrie Yau, in moving a resolution to amend Section 100A(1) of the Interpretation and General Clauses Ordinance so as to increase the amount of fines in immigration related legislation in the Legislative Council today (Wednesday):

Mr President,

I move the resolution standing in my name in the Order paper.

The motion before Members seeks to increase the statutory fines in immigration related legislation to restore their real value.

Section 100A(1) of the Interpretation and General Clauses Ordinance (Cap. 1) provides that the Legislative Council may, by resolution, amend any Ordinance so as to increase the amount of any fine specified in that Ordinance.

The Criminal Procedure (Amendment) (No. 2) Ordinance 1994 enacted in July 1994 introduced a scale of fines for statutory penalties not exceeding \$100,000. This enables the maximum fine level to be increased from time to time by a single order by the Governor in Council to take account of inflation and hence preserve the deterrent effect of the penalties. The standard scale of fines consists of six levels, ranging from \$2,000 at Level 1 to \$100,000 at Level 6.

The standard scale, however, does not take account of inflation in respect of fines specified in money term before their conversion on to the scale. A review of existing fines is therefore necessary. I have reviewed the relevant Ordinances under my purview. Following discussions with the LegCo Sub-committee formed to study the then Resolution which was subsequently withdrawn, I now propose to revise the following thirty-eight items of statutory fines, with which the Subcommittee has agreed.

- * 22 items under the Immigration Ordinance, Cap 115 relating to requirement to carry proof of identity, unauthorised entrants, and other offences under the Ordinance.
- * 1 item under the Immigration Service Ordinance, Cap 331 relating to making false reports to service personnel.
- * 12 items under the Registration of Persons Ordinance, Cap 177 and Regulations relating to failing to register, using and possessing forged identity cards, altering an identity card.
- * 3 items under the British Nationality (Misc. Provisions) Ordinance, Cap 186 relating to making false statement and disclosing information.

For fines at or below \$100,000 after adjustment, they will be converted to the appropriate level of fines on the standard scale. There are 25 such items out of the 38.

For fines exceeding \$100,000 after adjustment, they will be expressed in money terms. There are 13 such items and they all involve more serious offences such as employing a person not lawfully employable, failure to inspect proof of identity before employment, carrying illegal entrants on a ship, assisting illegal entrants to remain. The fine for employing a person not lawfully employable will be increased from \$250,000 to \$350,000.

In addition, there are 18 items in these ordinances for which we do not seek to adjust for inflation. However for consistency, these fines will be converted to the appropriate level on the standard scale. In other words, all fines at or below \$100,000 will no longer be expressed in money terms. These eighteen items include :-

- * 1 item under the Immigration Ordinance, Cap 115 relating to penalty on disposing of property to be forfeited.

- * 4 items under the Births and Deaths Registration, Cap 174 and Special Registers Ordinance, Cap 175 and Cap 176 relating to tampering with the register and other miscellaneous offences.
- * 2 items under the Registration of Persons Ordinance and Regulation Cap 177 relating to failure to re-apply for identity cards issued before 1.7.1987 and failure to carry identity card in designated areas.
- * 7 items under the Marriage Ordinance, Cap 181 and Marriage Reform Ordinance, Cap 178 relating to failure to transmit marriage certificates, removing marriage records and other miscellaneous offences.
- * 4 items under the Immigration Service Ordinance, Cap 331 relating to offences against members of the service and unauthorised wearing of uniform, etc.

Mr President, I beg to move.

End

Law Amendment and Reform Bill

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Following is the speech by the Secretary for Home Affairs, Mr Michael Suen, in moving the second reading of the Law Amendment and Reform (Consolidation) (Amendment) Bill 1995 in the Legislative Council today (Wednesday):

Mr President,

I move that the Law Amendment and Reform (Consolidation) (Amendment) Bill 1995 be read a second time.

This Bill is the last remaining substantive change to Hong Kong's law of inheritance in the package of reforms proposed by the Law Reform Commission. These recommendations were made by the Commission following consultation with a wide range of interested parties.

The Bill relates to the "forfeiture rule". This prohibits a person who has unlawfully killed another from benefiting financially as a result, such as by inheritance from the deceased. Currently, even if such a person is not morally blame-worthy, the rule applies rigidly. In line with reforms that have been implemented elsewhere, the Bill empowers the court to relax, or even waive, the forfeiture rule where justice demands this. The Bill provides that such discretion may only be exercised in cases of unlawful killing other than murder.

Section 25A of the Bill provides for definitions.

Section 25B empowers the court to modify the effect of the forfeiture rule where the justice of a particular case requires it, having taken the conduct of the offender, the deceased and other circumstances into account.

Section 25C stipulates that the forfeiture rule does not preclude a person from applying for financial provision under the Inheritance (Provision for Family and Dependents) Ordinance (Cap. 481) or the Matrimonial Proceedings and Property Ordinance (Cap. 192).

Section 25D provides for the forfeiture rule to apply to murderers without modification.

End

Road Traffic (Amendment) Bill

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Following is the speech by the Secretary for Transport, Mr Haider Barma, in moving the second reading of the Road Traffic (Amendment)(No 3) Bill 1995 in the Legislative Council today (Wednesday):

Mr President,

I move the second reading of the Road Traffic (Amendment) (No. 3) Bill 1995. This is the first of 3 bills I am introducing this afternoon to seek powers for the Administration to adopt fiscal measures to deal with traffic congestion.

During the consultation exercise on the Report of the Working Party on Measures to Address Traffic Congestion early, there was general support, in this Council, from DBs and from the public, for the user-pays approach and for the introduction of Electronic Road Pricing (ERP) as an important measure to combat traffic congestion. We are now finalising the consultancy brief and I expect to seek funds from Council in March to allow the consultancy to begin later this year. Trials will be conducted before the implementation of a full ERP scheme.

Meanwhile, more traffic management schemes, such as giving greater priority to buses and establishing tighter control over goods vehicles loading and unloading in busy areas, will be implemented. Such measures also received wide support during the consultation exercise.

This said we still need effective and quick measures to limit the growth in private car numbers. Fiscal measures may well be unpopular but the Administration firmly believes that increases in the First Registration Tax and Annual Licence Fees would have a direct impact in containing the size of the private car fleet. This has been proven in the past.

In recent months, the sale of and increase in the number of private cars has fallen substantially and is, indeed, now below our target of containing growth to between 2 to 3%. Although no increases in Annual Licence Fees or First Registration Tax are necessary immediately, the Administration needs to have the ability to act swiftly should this become necessary.

The First Registration Tax can be increased by means of a Legislative Council resolution under section 8 of the Motor Vehicle (First Registration Tax) Ordinance. The Passage Tax at the Cross-Harbour Tunnel can also be increased by a Legislative Council resolution under the Cross-Harbour Tunnel (Passage Tax) Ordinance. It is however necessary to amend existing, and provide for new legislation to implement the other fiscal measures.

The Road Traffic (Amendment) (No 3) Bill 1995 seeks to provide powers for the Administration to raise motor vehicle Annual Licence Fees. While the Road Traffic Ordinance currently empowers the Governor in Council to make regulations to provide for fees that may be charged for vehicle licensing, this is limited to cost-related adjustments. Increasing Annual Licence Fees above costs as a measure to deter car ownership requires an amendment to the primary legislation.

Clause 2 of the Bill empowers the Governor in Council to set Annual Licence Fees at levels which need not be limited by reference to costs. The subsidiary legislation so made will be subject to the approval of the Legislative Council by resolution.

Mr President, I reiterate that the Administration has no immediate plans to increase Annual Licence Fees. Should it become necessary to do so in the future, Honourable Members will have the opportunity to vet the actual proposals. Indeed, as I have said the Council's specific approval will have to be obtained.

Thank you, Mr President.

End

Eastern Harbour Crossing Passenger Tax Bill

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Following is the speech by the Secretary for Transport, Mr Haider Barma, in moving the second reading of the Eastern Harbour Crossing Road Tunnel (Passenger Tax) Bill in the Legislative Council today (Wednesday):

Mr President,

I move the Second Reading of the Eastern Harbour Crossing Road Tunnel (Passage Tax) Bill. The main purpose of this Bill is to enable the Administration to impose a Passage Tax at the Eastern Harbour Crossing as a measure to tackle traffic congestion.

This Bill is modelled on the Cross-Harbour Tunnel (Passage Tax) Ordinance which already provides for the imposition of a passage tax.

Again, the Administration is not at present proposing to impose any passage tax at the Eastern Harbour Crossing or increase the passage tax at the Cross Harbour Tunnel. If and when specific increases are sought, Honourable Members will have the opportunity to debate the Administration's proposals. Indeed, before any new passage tax can be implemented, the Council's specific approval has to be obtained.

Thank you, Mr President.

End

Inland Revenue (Amendment) Bill 1995

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Following is the speech by the Secretary for Transport, Mr Haider Barma, in moving the second reading of the Inland Revenue (Amendment) (No 4) Bill 1995 in the Legislative Council today (Wednesday):

Mr President,

I move the Second Reading of the Inland Revenue (Amendment) (No 4) Bill 1995. This Bill seeks to remove tax concessions for company-owned cars.

The Administration's assessment remains that at least 25 per cent of private cars are now company owned and that such cars account for about 40 per cent of the cars on the roads during peak commuting hours. At present, cars in company ownership benefit from generous initial and annual depreciation allowances. An initial allowance of 60% and an annual allowance of 30% of the residual value of motor vehicles can be claimed under the Inland Revenue Ordinance. This in effect means that companies can claim tax allowances of up to 72% of the capital cost of their cars in the first year. Such concessions provide a positive incentive for companies to own private cars.

During the public consultation exercise on traffic congestion there was strong support for the removal of tax benefits for the purchase and operation of company cars. The Inland Revenue (Amendment) (No. 4) Bill 1995 seeks to remove these concessions.

Clause 3 of the Bill provides that in calculating a person's assessable income, no outgoings or expenses incurred in connection with the acquisition, financing, leasing, maintenance, operation or use of a private car shall be deducted.

Clause 4 provides that in the calculation of taxable profits, no outgoings or expenses incurred in connection with the acquisition, financing, leasing, maintenance, operation or use of a private car shall be deducted. However, the clause provides for an exception for car dealers, who will continue to be entitled to such deductions in respect of their trading stock.

Thank you, Mr President.

End

Legal aid for divorced women

* * * * *

Following is a question by the Hon Law Chi-kwong and a reply by the Secretary for Home Affairs, Mr Michael Suen, in the Legislative Council today (Wednesday):

Question:

In recent years, many women's groups have indicated to Members of this Council that divorced women often encounter difficulties in recovering alimony and that quite a number of them apply for Comprehensive Social Security Assistance (CSSA) because of financial hardship or loss of financial support. In this connection, will the Government inform this Council:

- (a) of the number of applications for legal aid for the purpose of recovering alimony in the past three years; how many of such applications have been dealt with and how many are still being processed;
- (b) of the number of applications for CSSA submitted by divorced women because of the failure to recover alimony in the same period; and
- (c) whether any effective measures have been put in place to assist divorced women who are in financial difficulty in recovering alimony?

Reply:

Mr President,

The Hong Kong Government shares the concern in the community about ex-spouses who fail to comply with maintenance orders. Home Affairs Branch is currently assisting the Social Welfare Department to produce an Information Kit on services and legal remedies available to persons with marital problems or difficulties arising from divorce. In response to the concerns about non-payment of maintenance orders, the Information Kit will include information to help ensure that parties affected by this are made aware of the remedies and services that are already available. We are also reviewing the existing legislative provisions for enforcing such orders with a view to improving their effectiveness as appropriate. Turning to the Honourable LAW Chi-kwong's specific questions,

- (a) According to the Legal Aid Department, there were around 9,000 applications in each of the last three years for legal aid for matrimonial cases. However, the Department does not keep separate statistics on the different types of matrimonial cases. Hence, it is unable to say how many of these cases related to applications for recovery of alimony.
- (b) The Social Welfare Department estimates that about 200 single parent families are currently supported by Comprehensive Social Security Assistance due to financial difficulties caused by the failure of ex-spouses to pay alimony. This represents less than 3% of the total number of single parent families now on Comprehensive Social Security Assistance. There are no definitive statistics available on how many divorced women have applied for such assistance in the last three years for this reason.
- (c) The enforcement of maintenance orders is normally done by way of Judgement Summons. This obliges the defaulting party to appear before the Court to be examined as to his or her means. If the Court is satisfied that the defaulting party has wilfully evaded maintenance payment, the Court has the power to commit him or her to prison. Other court actions available for enforcing a maintenance order include an order prohibiting the defaulting party from leaving Hong Kong or an order to secure the payment of maintenance against the defaulting party's property. In the event of continued non-payment, the court can order disposal of the property concerned, the proceeds of which will be used to meet maintenance payments due.

To speed up the processing of Judgement Summonses to enforce maintenance orders, the Judiciary has recently started to reserve slots in the Family Courts' diaries to deal specifically with such summonses. The Judiciary Administrator has indicated that as a result of this, the waiting time for hearing judgement summonses has been reduced from three to two months.

As I have already mentioned, Home Affairs Branch is also considering whether there should be legislative changes to improve the enforcement of maintenance orders. One proposal we are considering is to empower the Court to make an order to deduct maintenance payments from the earnings or pension of the defaulting party. The sum would then be paid directly to the judgement creditor. This is likely to be one of the recommendations of a Working Group appointed by the Chief Justice to review practices and procedures of matrimonial proceedings, which is due to report shortly. Once we have received the Working Group's report, we will consider the appropriate measures to ensure that the system of enforcing maintenance orders is effective.

Duration of unemployment and how to alleviate unemployment

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Following is a question by the Hon Lee Cheuk-yan and a reply by acting Secretary for Education and Manpower, Miss Jacqueline Willis, in the Legislative Council today (Wednesday):

Question:

In the past year, the unemployment rate has been at a consistently high level, and the average duration of unemployment has also shown a tendency to become more prolonged. In this connection, will the Government inform this Council of the following :

- (a) with reference to the last two years' quarterly unemployment figures, what is the connection between the duration of unemployment and such factors as industry, occupation, academic qualification, sex, and age distribution for each quarter;
- (b) what are the achievements and effects of each of the initiatives mentioned at the two Summit Meetings on Employment convened by the Governor last year; and
- (c) What other new initiatives the Government will take to alleviate the unemployment problem?

Reply :

Mr President,

- (a) On the duration of unemployment, the median duration of unemployment (MDU) is the most commonly used statistical measure. The statistics gathered by the Census & Statistics Department through the General Household Survey indicate that the MDU during the period from the 4th quarter of 1993 to the 3rd quarter of 1995 ranged from 61 to 80 days (around 2 to 2.5 months). The detailed breakdown of the quarterly MDU statistics during this period has been tabled for Members' reference.

From the statistics available, it is apparent that people with lower educational attainment; of more advanced age; previously working in the manufacturing sector; and with lower skill levels spend more time in between jobs. This pattern was broadly stable during the past two years including the past few months when the unemployment rate increased.

The statistics reflect that our labour market's requirements have become more sophisticated. People with higher level of skills and educational attainment are more competitive in filling job vacancies. It also indicate that displaced workers previously working in the manufacturing sector are facing more difficulty in finding jobs in other sectors. As for age, while younger people have a shorter MDU, their unemployment rate is considerably than those aged 30 and above. This suggests that younger people are more mobile in the labour market.

- (b) The Governor convened two Summit Meetings on Employment last year. At both meetings, there had been positive and useful exchanges of views between both employers' and employees' representatives on how to tackle the unemployment problem and in particular on how to redress the 'mismatch' between demand and supply in the labour market. Employers and employees were united in their resolve to deal with this problem in a spirit of co-operation.

In tackling unemployment, the Government's objective is to assist the unemployed to re-enter the workforce. To this end, we have made good progress on the package of measures promulgated at the two Summit Meetings.

We have stepped up our employment service. The Job Matching Programme which started as a Pilot Programme in April last year and operated at full force from last August onwards has proved to be a very effective means of matching the unemployed with job vacancies. As of 3.1.96, the Programme has found jobs for over 2,800 job-seekers, representing a success rate of 70%.

Through our promotion efforts, some employers have now adopted a more flexible and pragmatic attitude in their recruitment of local workers.

Our Employees Retraining Scheme (ERS) has been providing more unemployed persons with suitable retraining courses and as a result, a greater number of retrainees have successfully re-entered the workforce. We are also commissioning a consultancy study on how to make the ERS more effective.

We have strengthened our efforts in clamping down firmly on illegal employment and have stepped up enforcement actions against abuses of labour importation schemes.

We have completed a comprehensive review of the General Labour Importation Scheme and yesterday announced the termination of the Scheme and its replacement by a Supplementary Labour Scheme as from 1.2.96. Our policy objective is to ensure that local workers have priority in employment and that their salaries and benefits are safeguarded, employers must accord priority to fill available job vacancies with local workers. If employers have genuine difficulties in finding suitable staff locally, they can import workers to fill such vacancies.

We have enhanced the scope of our statistical surveys so as to obtain more detailed information about the profile of the unemployed and the job vacancies.

We are finalising the arrangements for the appointment of a consultant to conduct a fact finding study on the alleged problem of age discrimination in employment. We will also visit Australia and New Zealand later this month to find out how their legislation work in practice. The public will be consulted on the way ahead.

We will continue to work closely with employers and employees representatives and members of this Council to work out solutions on the unemployment problem in the days to come.

- (c) Since the last summit, we have also introduced several new initiatives to strengthen the effectiveness of the various measures taken to help the unemployed to rejoin the labour market and to enhance their employment opportunities.

First, computerisation of the operation of the Job Matching Programme(JMP) of the Labour Department. As the JMP has proved to be very effective in helping the unemployed to enter the job market, we have computerised the operation of the JMP to further enhance the efficiency of job-matching. Steps are also being taken to computerise the operation of the Local Employment Service of the Labour Department.

Second, to expand the JMP and to set up a job matching centre. The existing JMP is intended for job-seekers aged 30 or over. From 1 February 1996 onwards, the JMP will be expanded to all job-seekers irrespective of age. With this expansion, we will set up a Job Matching Centre in the Hennessy Centre in Causeway Bay as a centralised one-stop unit so that the JMP now available at all the nine LES offices can be better co-ordinated. This Job Matching Centre will also serve as an application office of the Supplementary Labour Scheme when it starts operation in February, next month.

Third, to set up an Airport Core Programme(ACP) Job Centre. The Government has recently reached an agreement with the Airport Authority (AA) and the MTRC that they will jointly set up this Job Centre. This centre will be used for displaying ACP vacancies, receiving applications for ACP jobs, conducting recruitment interviews and making arrangements for signing of employment contracts. The Labour Department and concerned labour unions will each have an office in the centre to deal with enquiries and complaints from workers and contractors. Our objective is to open the centre within this month. This is a new initiative whereby we can further ensure that priority of employment will be given to local workers.

End

Government owned property assets

Following is a question by the Hon Christine Loh and a reply by the Secretary for the Treasury, Mr K C Kwong, in the Legislative Council today (Wednesday):

Question:

With reference to the list of property assets owned by the Hong Kong Government which was handed over to the Chinese Government in November 1994, will the Administration inform this Council when it will make the list available to this Council?

Reply:

We have recently updated the list of property assets owned by the Hong Kong Government to show the position as at 1 November 1995. A copy of this list has been deposited with the library of this Council for Honourable Members' information.

End

One-way permit quota

* * * * *

Following is a question by the Hon Frederick Fung and a reply by the acting Secretary for Security, Mrs Carrie Yau, in the Legislative Council today (Wednesday):

Question:

With the increase of one-way permit quota since 1 July 1995, the number of new Chinese immigrants arriving in the territory will amount to 55000 each year. In this connection, will the Government inform this Council:

- (a) of the number of one-way permit holders arriving in the territory in the past three years, as well as a breakdown of such immigrants by age, sex and the location of their residence in the territory;
- (b) whether it is aware of the criteria used by Chinese authorities for approving applications for one-way permit made by residents in mainland China for permanent settlement in the territory;
- (c) whether any discussion has been held with the Chinese authorities on the possibility of using family as the unit for approving such applications (for example, approving applications by mother and child together), so that children coming from China on one-way permits will not be left unattended in the territory; and
- (d) whether it has formulated any policy (in areas such as housing, education, medical care, social welfare, etc) to assist new immigrants in adapting to the territory's life style?

Reply:

Mr President,

I shall answer the four parts of this question in turn.

- (a) The number of one way permit holders arriving in Hong Kong in the last three years, by age and sex, are tabled for Members' information (attached). We do not have a breakdown of the locations of their residence in the territory, but the Home Affairs Department will be conducting a survey later this month to identify the districts in which newly arrived one way permit holders reside.

- (b) One-way permits are issued by the Chinese Government to Chinese citizens for settlement in Hong Kong, majority of whom arrive for family re-unification. In reaching the understanding with China to increase the daily quota to 150 with effect from 1 July 1995, both sides have agreed specific sub-quotas for children and spouses.
- (c) We have raised with the Chinese side that allocation of one-way permits should as far as possible be made on the basis of using whole families as basic units so as to avoid split families. In regular meetings between the Director of Immigration and Director of the Bureau of Exit/Entry Administration, Ministry of Public Security, we have reiterated our concern over the splitting of families by the issue of one way permit to either the spouse or the child.
- (d) It is our aim to integrate new immigrants from China into the local community as quickly as possible. Since they will become members of our community upon arrival in Hong Kong, their general needs will be taken into account by the respective policy branches in overall planning and provision of services. The majority of new immigrants are able to integrate without difficulty. However, we are aware that some new arrivals may need special assistance. The Home Affairs Department is tasked to co-ordinate and assess services which the Government departments and voluntary agencies are providing for new arrivals. The findings and assessment will be fed to policy branches to assist them in planning and providing respective services for new immigrants.

Legal Immigrants from China by Age Group by Sex, 1993-1995

1993年至1995年間由中國來港的合法移民(按年齡及性別劃分)

Age Group 年齡組別	1993			1994			1995 (Jan-Nov)(1月至11月)		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
	男	女	總數	男	女	總數	男	女	總數
0-4	1,137	938	2,075	1,550	1,339	2,889	2,298	2,098	4,396
5-9	1,895	1,423	3,318	2,629	1,980	4,609	3,654	3,309	6,963
10-14	1,748	1,255	3,003	2,059	1,599	3,658	2,299	2,140	4,439
15-19	1,439	837	2,276	1,484	956	2,440	1,231	832	2,063
20-24	1,510	1,661	3,171	1,452	1,850	3,302	1,030	2,011	3,041
25-29	1,412	3,319	4,731	1,249	4,494	5,743	1,012	4,636	5,648
30-34	1,139	2,903	4,042	1,113	3,933	5,046	796	3,693	4,489
35-39	1,035	2,635	3,670	855	2,724	3,579	655	2,512	3,167
40-44	720	1,836	2,556	650	2,277	2,927	530	2,345	2,875
45-49	391	1,018	1,409	359	1,217	1,576	286	1,278	1,564
50-54	202	605	807	183	612	795	141	556	697
55-59	198	509	707	146	444	590	147	416	563
60-64	164	346	510	189	317	506	176	326	502
65+	186	448	634	201	357	558	142	387	529
Total	13,176	19,733	32,909	14,119	24,099	38,218	14,397	26,539	40,936

Government and TDC overseas offices

* * * * *

Following is a question by the Hon Chim Pui-chung and a reply by the Secretary for Trade and Industry, Miss Denise Yue, in the Legislative Council today (Wednesday):

Question :

The Hong Kong Government and the Hong Kong Trade Development Council (TDC) have both set up offices in overseas countries and territories to promote Hong Kong's economic and trade interests. In this connection, will the Government inform this Council:-

- (a) of the number of overseas offices set up by the Government and the total annual expenditure incurred in each of the past 3 years;
- (b) of the number of overseas offices set up by the TDC and the total annual expenditure incurred in each of the past 3 years; and
- (c) whether the Government has considered merging its overseas offices with those of the TDC so as to achieve better utilisation of resources; if not, why not?

Reply:

- (a) The Government has 10 Hong Kong Economic and Trade Offices in foreign countries. Excluding the two offices established in Singapore and Sydney in July and October 1995 respectively, the total annual expenditure incurred by these offices in each of the past three years was -

1992-93	\$160M
1993-94	\$174M
1994-95	\$183M

- (b) The Trade Development Council has 51 overseas offices comprising 25 overseas branch offices staffed by its own employees and 26 overseas trade consultant offices. The total annual expenditure incurred by these offices in each of the past 3 years was -

1992-93	\$543.1M
1993-94	\$595.6M
1994-95	\$698.1M

- (c) The Government does not consider it appropriate to merge the Hong Kong Economic and Trade Offices (ETOs) with the Trade Development Council offices because their main roles and functions are different.

The ETOs are the official economic and trade missions of the Hong Kong Government in the foreign countries where they are located. Their main functions are to represent and promote Hong Kong's economic and trade interests with host governments and international organisations; undertake inward investment promotion; and organise Government's publicity efforts to promote Hong Kong as a premier location to do business in the Asian Pacific Region. They also lobby and negotiate with the host governments on specific trade issues and assist Hong Kong based staff in negotiating trade agreements. The government-to-government aspects of the ETO work cannot be undertaken by a non-government organisation.

The main responsibilities of the Trade Development Council's overseas offices are to develop and promote a receptive market for Hong Kong goods by helping merchandise traders in the host countries to do business with Hong Kong traders on the one hand, and help Hong Kong companies to penetrate markets in the host countries on the other. Such functions are more appropriately carried out by a non-government body.

Although the roles and main functions of the Government's ETOs and TDC's overseas offices are different, the two sets of overseas offices liaise regularly and closely with each other because both share the same objective of working for the interests of Hong Kong. The promotional aspect of their work is also complementary. Therefore, staff in the two sets of overseas offices co-operate and work together on major promotional campaigns overseas, such as the Hong Kong Promotion in Japan in September 1995 and the Promotion in the United States in June this year, which aim to raise Hong Kong's profile as a dynamic centre of business and tourism.

Where possible, the Government's ETOs and TDC's overseas offices are co-located in order to achieve a more optimal utilisation of resources, to project a stronger Hong Kong identity, and to provide a more convenient, efficient, one-stop service to our respective clients.

End

Privately purchased medical items

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Following is a question by the Hon Mok Ying-fan and a reply by the Secretary for Health and Welfare, Mrs Katherine Fok, in the Legislative Council today (Wednesday):

Question:

The Hospital Authority (HA) has recently issued a memorandum to the 41 public hospitals under its management, asking them to limit the categories of "privately purchased medical items" to 10 items. In this connection, will the Government inform this Council:

- (a) of the number of hospitals which have already been recovering the cost of medical equipment, drugs and medical services provided to certain groups of patients;
- (b) what criteria have been adopted by the hospitals mentioned in (a) above for determining which medical services should be charged in accordance with the 'recovery of cost' principle, and what is the proportion of the charges paid by patients to the cost of providing such services; and
- (c) why the HA has introduced a standardised list of "privately purchased medical items" in public hospitals without consulting the public?

Reply:

Mr President,

The term "privately purchased medical items" is commonly used to describe surgical implants, consumable and other disposable equipment which patients are required to purchase for their treatment in public hospitals, where the treatment is provided mainly in major acute hospitals. This practice of requiring the patients to meet the cost of certain medical items is not new but has been so even before the establishment of the Hospital Authority in 1991.

The system has evolved as a response to rapid technological advancement so that patients are not deprived of certain medical items which are outside the normal hospital inventory. In general, the privately purchased items are expensive products of new medical technology at the time of their introduction. They are either implanted into an individual patient or used only once on a patient. The high costs of these items have rendered public hospitals not to stock them as part of the normal inventory. In recent years, we have progressively reduced the list of "privately purchased items" taking into account the target group of patients, financial implications involved and the impact in the treatment process. However, it is difficult to quantify the proportion of treatment cost borne by patients in purchasing their medical items since it will vary according to the nature of each individual case.

In response to concern expressed by the community and Honourable Members of this Council, I undertook in May last year to abolish certain privately purchased medical items required by chronically ill patients, to relax assessment criteria of the Samaritan Fund, and to freeze the introduction of new items pending outcome of our overall review of health care financing. The circular issued by the Hospital Authority on 25 November 1995 is only a formal announcement of this arrangement and does not impose new charges, so consulting the public was not appropriate.

End

NT buildings under Government Land Licence

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Following is a question by the Hon Lau Wong-fat and a written reply by the Secretary for Planning, Environment and Lands, Mr Bowen Leung, in the Legislative Council today (Wednesday):

Question:

At present, there are still some buildings constructed under a Government Land Licence (GLL) in the New Territories, and some of these buildings have been in existence for a long time. In this connection, will the Government inform this Council:

- (a) of the present number of such buildings in the New Territories, the areas in which they are located, the total number of residents and the year in which they were first built;

- (b) whether there is any restriction on the use of building materials in the reconstruction of such buildings, and whether the reconstruction of such buildings is subject to other restrictions;
- (c) whether the occupiers of such buildings are eligible to apply for public housing units or Home Ownership Scheme flats; and
- (d) why the Government has discontinued the policy of allowing people who have held GLL for a period of over 10 years to apply for conversion of such buildings to permanent ones so as to improve the living conditions and enhance domestic safety, and whether the Government will consider re-instating this policy?

Reply:

Mr President,

- (a) Information compiled by the Lands Department in 1993 indicated that 18,000 Crown Land Licences (CLLs) had been issued. Over half of the structures were located in Yuen Long, North District and Islands District. We have not kept information on the total number of residents living in these structures. Most of these structures were first built in the early 1960s;
- (b) these temporary domestic structures may be re-built, subject to the usual planning and environmental considerations. We allow rebuilding in permanent materials in areas other than layout areas (areas covered by outline zoning plans, outline development plans and other layout plans) and potential development/intensive squatter areas. Within layout areas and potential development/intensive squatter areas, we allow rebuilding in temporary materials (i.e. those other than brick, stone, concrete and reinforced concrete). When approving rebuilding in permanent materials, Short Term Tenancies (STTs) are issued to replace the CLLs. These STTs will, subject to a rental, be for a term of 5 years certain and thereafter yearly subject to 3 months' notice at any time. The maximum permitted area and the height of all rebuilt structures in permanent materials are 37.16 square metres and 5.18 metres respectively and no balcony and/or stairhood are allowed upon rebuilding.

For a temporary domestic structure covered by a 10-year or longer CLL, a different rebuilding policy is applicable. Subject to the usual planning and environmental considerations, the structure can be rebuilt to a maximum dimension of 37.16 square metres in area and 2 storeys/5.18 metres in height with permanent materials, provided that it has been covered by a CLL and continuously held by the licensee or his immediate family for at least 10 years and there are no valid local objections to the proposed rebuilding. If rebuilding does not fall within the "Village" zone in a Development Permission Area/Outline Zoning Plan, a Section 16 application under the Town Planning Ordinance may be required in respect of the rebuilding. As a general guideline, the areas of rebuilding should exclude all catchment areas, country parks and military ranges.

Under this rebuilding policy, only one balcony, one canopy and one stairhood with a roof are permitted, subject to restrictions in their form and dimensions. Standard health requirements are also imposed. The rebuilt structure will remain temporary in nature and will still be covered by a CLL;

- (c) people living in the structures can apply for public rental housing through the General Waiting List or home ownership flats by using "white" forms; and
- (d) the policy of allowing the structures to be "converted" into permanent houses was discontinued in 1979 mainly because it led to an unsatisfactory effect of scattered distribution of village houses. This said, structures can still be rebuilt under the policy mentioned in (b) above. We have no intention to re-instate the former policy.

End

Water-meter checking and water bills

* * * * *

Following is a question by the Hon Howard Young and a written reply by the Secretary for Works, Mr Kwong Hon-sang, in the Legislative Council today (Wednesday):

Question:

It has recently been reported that a public housing estate tenant has been billed for water consumption at a level which is hundreds of times higher than the previous consumption level. In this connection, will the Government inform this Council:

- (a) of the number of requests for water-meter checks made by consumers, as well as the respective numbers of cases resulting in adjustment of the charges after checking, in the past two years; and
- (b) what are the most common causes for adjusting charges after checking, and what avenues of appeal or review are available to consumers who consider that the consumption level shown on the water bills is out of line with their past pattern of actual consumption?

Reply:

Mr President,

- (a) (i) the number of requests for water-meter checks made by consumers in recent years are listed below:

<u>1993-94</u>	<u>1994-95</u>	<u>1995-96 up to 30.11.95</u>
3,809	4,021	2,202

- (ii) the number of cases where charges were adjusted after checking are as follows :

<u>1993-94</u>	<u>1994-95</u>	<u>1995-96 up to 30.11.95</u>
1,070	897	498

- (b) (i) The most common cause for adjusting charges after checking is due to a defective water-meter.
- (ii) Customers who receive water bills substantially out of line with past consumption are advised to check the condition of their inside services first. If there is no leakage, they may appeal by submitting a dispute of water charges claim to the Water Supplies Department (WSD) by post or in person at their consumer service counters, or more conveniently, over their telephone hotline number 2824 5000. WSD will look into the matter and take appropriate follow up actions. If considered necessary, or requested by the consumer, the Water Authority shall test the water-meter. The result of the test shall be binding on the Water Authority and the consumer under Waterworks Regulations 30(1).

End

Directorate posts in public hospitals

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Following is a question by the Hon Michael Ho Mun-ka and a written reply by the Secretary for Health and Welfare, Mrs Katherine Fok, in the Legislative Council today (Wednesday):

Question :

At the sitting of this Council on 17th May, 1995, I requested the Government to provide a breakdown of the number of directorate posts at different levels in various public hospitals. However, the Secretary for Health and Welfare in her reply only mentioned the total number of consultant posts, without providing the information required. In view of this, will the Government provide this Council with the number of posts at the Senior Medical and Health Officer level and posts at D1 to D4 of the Directorate Pay Scale, as well as the number of hospital beds in each of the major public hospitals (including Queen Elizabeth Hospital, Queen Mary Hospital, Princess Margaret Hospital, Prince of Wales Hospital, Kwai Chung Hospital, Castle Peak Hospital, Kwong Wah Hospital and Caritas Medical Centre) in each of the following years in accordance with the format shown below:

91/92 92/93 93/94 94/95

(as at 31 March each year)

Name of hospital :

No. of Senior Medical
and Health Officers :
No. of posts at D1 level :
No. of posts at D2 level :
No. of posts at D3 level :
No. of posts at D4 level :
No. of hospital beds :

Reply :

The information requested is provided below -

1991/92 1992/93 1993/94 1994/95

(as at 31 March each year)

Queen Elizabeth Hospital

Number of staff at Senior Medical Officer level	85	93	95	108
Number of staff at D1 level	1	0	0	0
Number of staff at D2 level	36	36	40	48
Number of staff at D3 level	15	12	13	12
Number of staff at D4 level	7	8	9	10
Number of hospital beds :	1,849	1,989	1,989	1,989

Queen Mary Hospital

Number of staff at Senior Medical Officer level	52	55	57	62
Number of staff at D1 level	1	0	0	0
Number of staff at D2 level	10	12	14	22
Number of staff at D3 level	4	2	3	6
Number of staff at D4 level	5	7	7	8
Number of hospital beds :	1,368	1,364	1,368	1,368

Princess Margaret Hospital

Number of staff at Senior Medical Officer level	54	65	67	63
Number of staff at D1 level	1	0	0	0
Number of staff at D2 level	26	28	27	28
Number of staff at D3 level	8	9	5	6
Number of staff at D4 level	5	5	9	11
Number of hospital beds :	1,327	1,327	1,137	1,137

Prince of Wales Hospital

Number of staff at Senior Medical Officer level	48	52	44	40
Number of staff at D1 level	1	0	0	0
Number of staff at D2 level	3	7	14	22
Number of staff at D3 level	0	0	0	0
Number of staff at D4 level	0	0	0	1
Number of hospital beds :	1,388	1,388	1,335	1,335

Kwong Wah Hospital

Number of staff at Senior Medical Officer level	(Note)	34	37	40
Number of staff at D1 level	(Note)	0	0	0
Number of staff at D2 level	(Note)	18	19	18
Number of staff at D3 level	(Note)	3	5	9
Number of staff at D4 level	(Note)	0	0	0
Number of hospital beds :	1,471	1,427	1,427	1,427

Caritas Medical Centre

Number of staff at Senior Medical Officer level	24	30	30	29
Number of staff at D1 level	1	0	0	0
Number of staff at D2 level	13	12	10	17
Number of staff at D3 level	3	4	5	4
Number of staff at D4 level	0	0	1	1
Number of hospital beds :	1,489	1,439	1,439	1,439

Kwai Chung Hospital

Number of staff at Senior Medical Officer level	6	5	6	7
Number of staff at D1 level	0	0	0	0
Number of staff at D2 level	2	2	4	5
Number of staff at D3 level	2	2	1	1
Number of staff at D4 level	1	1	2	2
Number of hospital beds :	1,551	1,581	1,581	1,581

Castle Peak Hospital

Number of staff at Senior Medical Officer level	6	6	6	7
Number of staff at D1 level	0	0	0	0
Number of staff at D2 level	1	1	4	3
Number of staff at D3 level	2	2	3	3
Number of staff at D4 level	1	1	1	1
Number of hospital beds :	1,933	1,933	1,741	1,741

Note: In the specific case of Kwong Wah Hospital, the number of staff numbers for 1991/92 are not available since manpower statistics were kept for all medical institutions managed by the Tung Wah Group of Hospitals as a whole before establishment of the Hospital Authority.

End

Creation of consultant posts by Hospital Authority

Following is a question by the Hon Albert Ho Chun-yan and a written reply by the Secretary for Health and Welfare, Mrs Katherine Fok, in the Legislative Council today (Wednesday):

Question:

As the staff cost and the establishment of the Hospital Authority have aroused considerable public concern, will the Government inform this Council:

- (a) of the mechanism and criteria adopted by the Hospital Authority for determining the creation of Consultant posts; and
- (b) through what mechanism are Consultants promoted from D2 of the Directorate Pay Scale to D3 or above; who take part in the decision-making process in the promotion of Consultants; and whether there are independent persons such as Members of the Hospital Authority playing a monitoring role in the promotion process?

Reply:

Creation of new consultant posts is required to meet operational needs arising from the commissioning of hospital development projects and introduction of service improvement programmes. All these proposals and the associated staff mix will first be examined by the Hospital Governing Committees concerned. The cost and benefit of these proposals are also submitted to the Hospital Authority Board for endorsement. The Head Office will further scrutinise the justifications for the actual creations of posts.

The annual promotion exercise for consultant doctors is conducted by a special selection board chaired by the Chief Executive and attended by two members of the Hospital Authority Board. Vacancies are open to applicants from all public hospitals who will be shortlisted for interview by the selection board. Suitability for promotion will be assessed drawing reference from the track record of performance as well as achievements in clinical practice, staff development, quality improvement and management reforms.

End

Entry requirements for civil service posts

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Following is a question by the Hon Ip Kwok-him and a written reply by the Secretary for the Civil Service, Mr Michael Sze, in the Legislative Council today (Wednesday):

Question:

At present, the entry requirements for certain civil service posts specify that a candidate's proficiency in Chinese should be a pass in Chinese Language in the Hong Kong Certificate of Education Examination. In this connection, will the Government inform this Council whether it has considered raising the entry requirements in respect of Chinese Language for such posts; if not, why not?

Answer:

Mr President,

Let me begin by emphasising that for many years both Chinese and English language requirements have been set for entry to many grades in the civil service based on operational need.

However, in view of the growing need for Chinese language in the efficient operation of an increasingly open civil service a review of language requirements was conducted in the early months of last year. The outcome of that review was to articulate more clearly the Government's long-term goal of a biliterate (Chinese and English) and trilingual (Cantonese, English and for directorate officers at least, Putonghua) civil service.

To this end it was recognised that civil servants entering the permanent and pensionable establishment should have basic proficiency in the Chinese language. Various benchmarks were considered. A pass in Chinese language in the Hong Kong Certificate of Education Examination provided the best solution for three main reasons :

- (i) first, there was no convenient higher benchmark because Chinese language is not commonly taken in the Hong Kong Advanced Level Examination or the Hong Kong Advanced Supplementary Level Examination;

- (ii) secondly, a pass in Chinese language in the Hong Kong Certificate of Education Examination establishes a sufficient working knowledge that can be improved upon through practice and, where necessary, training of a higher level if required as an officer becomes more senior or his job comes to require a higher standard of Chinese than before; and
- (iii) thirdly, a higher entry standard would narrow the field of suitable candidates and debar from public service otherwise very suitable applicants with a workable basic knowledge of Chinese but who lacked the higher proficiency required.

Civil Service Branch accordingly issued a circular last May requiring Heads of Department to introduce this Chinese language proficiency requirement for appointment to the permanent establishment in respect of all grades requiring a pass at HKCEE or above. The circular made it quite clear that where a higher standard of Chinese language proficiency was justified having regard to the job nature of the grade in question, then another standard could be agreed with Civil Service Branch.

In this context it should be noted that, in addition to setting a general entrance qualifications, individual grades may also set written examinations to test applicants' proficiency. For example, six grades requiring at least a university degree for entry, also require applicants to sit the Common Recruitment Examination, namely the Administrative Service, the Executive Officer Grade, the Labour Officer Grade, the Trade Officer Grade, the Management Services Officer Grade and the Information Services Officer Grade. The Common Recruitment Examination tests a range of aptitudes, including proficiency in both the Chinese and English languages.

Given the recent introduction of an across-the-board Chinese language requirement and the flexibility Heads of Department have to set higher standards where necessary it is not intended at this stage to raise the basic entry requirement above a pass in Chinese language in the HKCEE. However, we will keep the situation under close review as our plans for a biliterate and trilingual civil service develop.

End

Converted one-person flats in public housing estates

Following is a question by the Hon David Chu Yu-lin and a written reply by the Secretary for Housing, Mr Dominic Wong, in the Legislative Council today (Wednesday):

Question:

In view of the frequent occurrence of clashes between tenants living together in "converted one-person flats" (commonly known as "split flats"), some of which may even develop into violent incidents, will the Government inform this Council:

- (a) of the total number of "converted one-person flats" at present;
- (b) of the number of complaint cases concerning disputes between tenants of "converted one-person flats" received by the Housing Department, as well as the number of violent incidents occurring in such flats, in the past year;
- (c) whether the Housing Department has put in place any special measures to resolve the disputes of these singleton tenants; and
- (d) whether the Government will consider replacing these "split flats" with self-contained single-person flats when formulating its long-term housing strategy?

Answer:

Mr President,

There are 5,900 converted one-person flats in public rental housing estates.

In the past year, 247 complaints concerning disputes among tenants of such flats were received by the Housing Department: 21 cases involved serious disputes and were reported to the Police.

The role played by Housing Department staff in these disputes is primarily one of mediator. They attempt to help tenants to resolve disputes peacefully. Where necessary, cases are referred to professional social workers for counselling or assistance. In more serious cases, the Housing Department will arrange for the relevant parties to be transferred to other suitable accommodation.

The Housing Authority intends to phase out converted one-person flats when the supply of standard one-person flats becomes sufficient to meet demand. The present stock of converted one-person flats will gradually be converted back to their original function for allocation in accordance with prevailing space standards.

The Long Term Housing Strategy Review will examine the demand for all types of housing and will assess the needs of special groups, such as single persons and the elderly.

End

Measures to enhance language training in schools

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Following is a question by the Hon Eric Li and a written reply by the acting Secretary for Education and Manpower, Miss Jacqueline Willis, in the Legislative Council today (Wednesday):

Question:

A bilingual working population competent in both Chinese and English has given Hong Kong a competitive edge. In this connection, will the Government inform this Council what measures, apart from enhancing language training in the classroom and promotion extensive reading both in Chinese and English among school children, the Government will take to encourage people with outstanding linguistic abilities to compile and translate quality books, so as to maintain or even strengthen the bilingual competence of the working population?

Reply:

Mr President,

The Administration is taking active steps in encouraging the translation of quality books or publications at three levels, namely the school education, tertiary education and the community level.

At the school education level, we have in place the Chinese Textbooks Incentive Award Scheme. The aim of the Scheme is to encourage publishers to produce good quality Chinese textbooks and reference books in a variety of subjects to support the use of Chinese as the medium of instruction in secondary schools. In the first three phases of the scheme implemented between 1987 and 1992, a total of 92 sets of books covering 32 subjects at Secondary 1 to 7 level were produced, of which 25% were translated through the equivalent textbooks in English. Phase 4 of the scheme, which is currently in progress, aims to produce by both writing and/or translating an additional 43 sets of books for use in the 1998-99 school year. The financial assistance awarded to publishers under the first three phases amounted to \$15.3 million and that for phase 4 is estimated at \$54.5 million.

At the tertiary education sector, with the exception of the Hong Kong University of Science and Technology, all the institutions offer courses in translation either at sub-degree, undergraduate and/or postgraduate level. These courses help to equip the graduates with the necessary language skills and knowledge for writing and translating books and other written materials. It is understood that most of the graduates have found employment in translation. In addition, some of the institutions including the Chinese University of Hong Kong, the Hong Kong University of Science and Technology and the Hong Kong Baptist University have established translation centres to promote bilingualism.

At the community level, the Language Fund was established in 1994 with an initial injection from Government of \$300 million to fund projects to raise standards in Chinese and English. One of the important areas for which projects are invited from the community is in the field of translation. Although so far few projects in this area have been submitted and only one such project has been approved for funding, it is hoped that more will be received in future. Also, the Language Fund Advisory Committee is in the process of mapping out further pro-active measures to encourage projects on strengthening bi-lingual proficiency in general and for the work force in particular.

End

CLP's forecast on future increase on local demand

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Following is a question by the Hon Lau Chin-shek and a written reply by the Secretary for Economic Services, Mr Gordon Siu, in the Legislative Council today (Wednesday):

Question:

The latest forecast made by the China Light and Power Company (CLP) in 1994 predicted a 5.1% annual increase in the maximum demand of the local system over the next few years, but the demand for 1995 has shown a negative growth. In this connection, will the Government inform this Council:

- (a) whether it is aware of the reasons for the negative growth last year;
- (b) whether the Government will ask CLP to revise its forecast on the future increase of the maximum demand of the local system in order to provide a more realistic prediction; and
- (c) whether, in the light of the increase in the actual demand of the local system being much lower than what was predicted, the Government will revise CLP's future development programme in order to prevent CLP from expanding its fixed assets without valid reasons to the detriment of the interest of the consumers?

Reply:

- (a) The China Light and Power Company forecast in October 1994 that the local maximum demand on its system would grow at an average annual rate of 5.1% from 1995 to 1999, with maximum demand in 1995 expected to be 4,920 megawatts. The actual local maximum demand for electricity on the Company's system in 1995 was 4,720 megawatts, some 4% less than forecast. The decline was due to the relatively cooler summer in 1995, slower economic activity and the continuing decline of electricity consumption in the manufacturing sector of Hong Kong.

- (b) On the basis of the turn-out in 1995, the Company now expects annual sales to grow at between 3.5% and 5% in the next few years. Consequently, maximum demand for electricity is now forecast to grow at about 4.4% a year, as compared to the previous forecast of 5.4%, over the next few years.
- (c) The Company has revised its future development programme to take account of the lower forecast of maximum demand. The total capacity expansion plan for 1992 to 1999 has been revised from one which cost \$60 billion in the Company's 1992 Financing Plan to \$52 billion in the latest forecast. This reduction has been achieved by rescheduling transmission and distribution projects, deferring completion of the last two units of Black Point Power Station and introducing other cost-cutting measures. These actions have reduced capital expenditure by \$1.2 billion and operating expenses by \$281 million between 1992 and 1995 and are expected to save a further \$6 billion in capital expenditure and \$1.17 billion in operating expenses from 1996 to 1999.

End

Daily working hours of industrial and service employees

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Following is a question by the Hon Cheng Kar-foo and a written reply by the acting Secretary for Education and Manpower, Miss Jacqueline Willis, in the Legislative Council today (Wednesday):

Question :

According to a salary survey report released in March 1995, employees of some trades in the territory - such as the finance, business service, insurance and guarding services sectors - have to work more than eight hours a day, and some even have to work as many as 11 hours daily. In this connection, will the Government inform this Council :

- (a) of the average daily working hours of workers in the industrial and service sectors in the western countries as well as in the territory in each of the past three years;

- (b) whether the Government will review the existing Women and Young Persons (Industry) Regulations or introduce new legislation in order to regulate both the maximum working hours of all employees and the basis for calculating overtime payment;
- (c) if the answer to (b) is in the affirmative, what the legislative timetable is and when the public will be consulted; and
- (d) if the answer to (b) is in the negative, how the Government will ensure that employees who are constantly required to work overtime will receive fair treatment?

Reply :

Mr President,

- (a) According to statistics provided by the International Labour Office, Geneva and the Census & Statistics Department, the hours of work per week for workers in the industrial and service sectors in Hong Kong and some developed western countries. are set out in the following tables.

Manufacturing

Type	Country	1992	1993	1994
Hours actually worked per week	Hong Kong	43.0	44.9	44.6
	France	38.7	38.6	Not available
	UK*	43.2	43.1	43.4
Hours paid for per week	Canada	38.3	38.6	Not available
	USA	41.0	41.4	42.0
	Germany	40.7	40.9	38.0

* Including quarrying.

Construction

Type	Country	1992	1993	1994
Hours actually worked per week	Hong Kong	42.0	43.0	43.3
	France	Not available	Not available	Not available
	UK	45.0	44.7	Not available
Hours paid for per week	Canada	36.7	36.6	Not available
	USA	38.0	38.4	Not available
	Germany*	42.3	41.8	Not available

* Male workers only.

Wholesale and retail trade, restaurants and hotels

Type	Country	1992	1993	1994
Hours actually worked per week	Hong Kong	48.0	48.2	48.1
	France*	39.0 (40.5)	39.02 (40.55)	Not available
	UK	39.4	39.6	Not available
Hours paid for per week	Canada	26.0	26.2	Not available
	USA	Not available	Not available	Not available
	Germany	Not available	Not available	Not available

* Figures without brackets are the hours of work per week in wholesale and retail trade. Figures with brackets are the hours of work per week in restaurants and hotels.

Transport, storage and communication

Type	Country	1992	1993	1994
Hours actually worked per week	Hong Kong	45.9	46.7	46.6
	France	Not available	Not available	Not available
	UK	46.9	46.5	Not available
Hours paid for per week	Canada	36.5	36.2	Not available
	USA	Not available	Not available	Not available
	Germany	Not available	Not available	Not available

Financing, insurance, real estate and business services

Type	Country	1992	1993	1994
Hours actually worked per week	Hong Kong	41.4	43.3	43.2
	France*	38.79 (38.05)	38.80 (38.02)	Not available
	UK	36.8	36.9	Not available
Hours paid for per week	Canada	27.7	27.7	Not available
	USA	Not available	Not available	Not available
	Germany	Not available	Not available	Not available

* Figures without brackets are the hours of work per week in financial institutions. Figures with brackets are the hours of work per week in insurance.

Community, social and personal services

Type	Country	1992	1993	1994
Hours actually worked per week	Hong Kong	44.6	45.0	45.5
	France	Not available	Not available	Not available
	UK	36.5	36.6	Not available
Hours paid for per week	Canada	27.7	27.7	Not available
	USA	Not available	Not available	Not available
	Germany	Not available	Not available	Not available

Notes:

Hours actually worked:

Hours actually worked should include all hours actually worked during normal periods of work, overtime, time spent at the place of work waiting or standing by, short rest periods including tea and coffee breaks.

Hours paid for:

Hours paid for generally comprise, in addition to hours actually worked, hours paid for but not worked such as paid annual vacation, paid public holidays, paid sick leave and other paid leave.

Sources: Year Book of Labour Statistics 1994 published by the International Labour Office, Geneva.
 Supplement of the Bulletin of Labour Statistics (1995-1, 1995-2 & 1995-3) published by the International Labour Office, Geneva.
 Bureau of Statistics, International Labour Office, Geneva.
 General Household Survey Section, Census and Statistics Department, HK.

- (b) The Labour Department is currently reviewing the Women and Young Persons (Industry) Regulations. Although there is no plan at this stage to introduce legislation to regulate the maximum working hours of all employees and the basis for calculating over-time payment, the subjects will be kept under review.
- (c) We intend to consult the Labour Advisory Board on the results of the review on the Women and Young Persons (Industry) Regulations in mid-1996. If legislative amendments are required, it is our intention to submit the proposed (Amendment) (Regulations) into the Executive Council in late 1996. The actual legislative timetable, however, will depend on the outcome of the consultation process.
- (d) Not applicable.

End

Objects falling from vehicles

* * * * *

Following is a question by the Hon Choy Kan-pui and a written reply by the Secretary for Transport, Mr Haider Barma, in the Legislative Council today (Wednesday):

Question:

Will the Government inform this Council:

- (a) of the number of traffic accidents caused by objects falling from vehicles since 1992 and the number of casualties arising from such accidents, as well as the major types of the vehicles involved;
- (b) of the number of accidents caused by overloading vehicles or vehicles which do not conform to loading regulations, and the number of prosecutions instituted against such vehicles, during the same period; and
- (c) whether the Government has reviewed the existing legislation and penalties to see if they have any deterrent effect on such vehicles, and whether the Government has put in place other measures to prevent the occurrence of the kind of accidents mentioned in (a) above?

Reply:

Mr President,

- (a) During the 4-year period between 1992 and November 1995, 32 traffic accidents were caused by objects that fell from vehicles. There were 43 injuries. The types of vehicles most frequently involved were light and medium goods vehicles.
- (b) During the same period, 145 accidents involved overloaded vehicles. 93 prosecutions were instituted.

107 accidents involved vehicles with insecure loads and 58 prosecutions were instituted.

- (c) The Administration last reviewed the penalties for overloading and other vehicle loading offences in 1994. This resulted in increases in the fixed penalties from \$280 to \$450 for insecure loading and from \$450 to \$1000 for overloading. In addition an amendment was made to the Road Traffic (Traffic Control) Regulations to impose strict liability on owners of goods vehicles for overloading offences.

Other measures which the Administration has put in place to prevent overloading and insecure loading of vehicles include :

- the installation of additional weighting facilities - a new weighstation was opened in Tai Lam Chung in early 1995;
- the publication of a Code of Practice on the loading of vehicles and pamphlets to educate and inform the trade about the best way to load a vehicle;
- regular meetings between Transport Department and goods vehicle operators at which the message of safe loading is emphasised;
- continuous publicity about the danger of such offences; and
- the provision of a telephone hotline at Transport Department to encourage the public to report instances of overloading and insecure loading.

The Police have deployed more manpower to tackle the problem of overloading and have stepped up enforcement action since the increase in the fixed penalty for overloading offences. For the eleven-month period from January to November 1995, 24,077 fixed penalty tickets were issued for such offences.

The Administration is continuously monitoring the situation. Other measures, such as the introduction of demerit points for convictions of vehicle overloading and other loading offences, will be considered.

End

Suicide attempts by suspects under arrest

* * * * *

Following is a question by the Hon Selina Chow and a written reply by the acting Secretary for Security, Mrs Carrie Yau, in the Legislative Council today (Wednesday):

Question:

Will the Government inform this Council:

- (a) of the number of suspects who have committed, or have attempted to commit, suicide whilst under arrest by the police or in police detention in each of the past three years; and
- (b) subsequent to each such incident, what follow-up actions the police takes and what measures the police adopts to prevent the recurrence of such incidents?

Reply:

Mr President,

The answers to the two parts of the question are set out below:

- (a) The number of suspects who have committed suicide during police custody or detention in the past three years is as follows:

<u>1993</u>	<u>1994</u>	<u>1995</u>	<u>Total</u>
1	2	3	6

There were 19 cases of attempted suicide in 1995. The figures for 1993 and 1994 are not available.

(b) The Police have conducted thorough investigations immediately following each incident and the investigation reports need to be submitted to the coroner's court. Under section 7 of the Coroners Ordinance (Cap. 14), whenever any person dies whilst in official custody, a coroner shall inquire into the cause of death with a jury of three persons. The Police are fully aware of their responsibility to ensure the safety of persons under their custody. Apart from deploying cell guard constables to maintain regular checks on all detainees, and putting detainees with known suicidal tendencies under constant observation, the Police are carrying out a number of new measures to prevent detainees from committing suicide. These include:

- * identifying suitable tear-proof blankets to prevent detainees from using torn up blankets to hang themselves in the detention cells; and
- * conducting a pilot project with a view to covering all cell bars with XPM wire mesh, a material which can stop detainees from fastening anything to cell bars to hang themselves. If the pilot project is successful, XPM wire mesh will be installed in all Police cells.

End

Definition of gifted education

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Following is a question by Dr the Hon David Li and a written reply by the acting Secretary for Education and Manpower, Miss Jacqueline Willis, in the Legislative Council today (Wednesday):

Question:

The Fung Hon Chu Gifted Education Centre, which is the territory's first centre for gifted pupils, was opened in December last year. Will the Government inform this Council of the following:

- (a) what is the total number of pupils in the territory who are identified as "gifted";

- (b) what is the definition of "gifted" in the context of this Centre;
- (c) what criteria are adopted in placing pupils in this Centre; and
- (d) how will "gifted" pupils benefit from the facilities of this Centre?

Reply:

Mr President,

- (a) "Gifted" children generally refers to those who show exceptional achievement or potential in academic performance, creativity, leadership, psychomotor ability, visual or performing arts. To ascertain the number and distribution of academically gifted students in Hong Kong, the Education Department has commissioned a research study by a team of researchers from the University of Hong Kong, Chinese University of Hong Kong and Hong Kong Polytechnic University between 1992 and 1995. Using a sample of 81 primary schools, the initial finding of the study reveals that around 1240 students or about 2% of the students in these schools could be classified as academically gifted. This finding is in line with the percentage of academically gifted students identified in other developed countries. On this basis, we estimate that there are around 20,000 academically gifted students aged between 6-18 in Hong Kong.
- (b) In the context of Fung Hon Chu Gifted Education Centre, "gifted" refers to academically gifted students, i.e. those who show exceptional achievement or potential in one or more of the following areas:
 - (i) high level of intelligence, as measured on standardised intelligence tests;
 - (ii) specific academic aptitude in one or more subject areas; or
 - (iii) high ability in creative thinking.
- (c) The purpose of the centre is to provide students who are identified as academically gifted with enrichment programmes or extended learning programmes at the centre to supplement their normal curriculum in their own schools. Selection of students for a particular programme is based on the following criteria:

- (i) the nature and objectives of the programme;
 - (ii) ability of students in meeting the selection criteria for the particular programme;
 - (iii) the wish of the parents and the recommendations of teachers;
 - (iv) the cognitive and affective needs of the students; and
 - (v) the interest, talent and commitment of the students.
- (d) As mentioned in (c) above, children identified as academically gifted can attend additional courses or programmes conducted at the centre. They can also use the various facilities provided therein such as library, computer room, language laboratory etc to pursue their independent learning goals. The centre is also a venue for gifted students and their teachers from various schools to take part in joint projects to share experience as well as to receive mutual support. Teachers and parents concerned can also get resource support in this centre, which in turn further fosters the potential of gifted students. The centre will form the basis for the long-term development in gifted education.

End

Senior civil servants personal data files

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Following is a question by the Hon Allen Lee and a written reply by the Secretary for Civil Service, Mr Michael Sze, in the Legislative Council today (Wednesday):

Question:

As the Chinese and British sides have failed to reach a consensus on the issue of the handing over of files containing personal data of senior civil servants at a recent Joint Liaison Group meeting, will the Government inform this Council :

- (a) of the stand taken by the Government on this issue;

- (b) of the aspects of the issue on which the Chinese and British sides cannot come to an agreement; and
- (c) how the Government will classify the personal data of senior civil servants in order to determine which categories of documents can be handed over to the Chinese side and which categories are to be sent back to Britain?

Answer:

Mr President,

There is a significant measure of agreement between the Chinese and British sides over civil service issues. Both sides attach considerable importance of a stable civil service with good morale to a smooth transition for Hong Kong. Both sides have agreed that informal get togethers should be held in Hong Kong to enable Chinese Officials and senior Hong Kong civil servants to get to know each other better. Three such gatherings have been held to date - to the satisfaction of both sides.

As to the question of files containing personal data on senior civil servants, our position is very clear. Such files are no different from any other files in the Hong Kong archives. In accordance with the agreement reached between the Chinese and British sides in 1990, the British side will transfer to the Chinese side all archives necessary for the proper administration of the future SAR. There will be no physical movement of the files. Files containing personal data of civil servants will be dealt with no differently from other files. No categories of material in these personnel files will be sent to Britain.

As we have stated previously, in order to enable the Chief Executive (Designate) to nominate Principal Officials for appointment, we will provide him with access to the necessary personal files and information well before 1997. As for providing the Chinese side with information on senior civil servants, we are already handing over detailed biographical notes on all those officers who are and will be attending the informal get togethers. We believe these to be comprehensive and useful.

End

Construction of bus stop shelters

* * * * *

Following is a question by the Hon Fred Li Wah-ming and a written reply by the Secretary for Transport, Mr Haider Barma, in the Legislative Council today (Wednesday):

Question:

With regard to the construction of bus stop shelters by the Kowloon Motor Bus Company Ltd. (KMB), will the Government inform this Council :

- (a) of the normal time-frame from the planning of a bus stop shelter project to its completion;
- (b) what is the number of bus stop shelters constructed by KMB in 1995; whether this number has met the target planned; if not, why not;
- (c) why the Government has given approval for KMB to construct a bus stop shelter at Pik Wan Road in Kwun Tong without proper planning beforehand, which has resulted in the contractor having to suspend the construction work following the discovery of underground power cables upon digging up the road surface; and
- (d) whether the Government will conduct a comprehensive review of the planning of bus stop shelter projects in order to improve the co-ordination between various parties?

Reply:

Mr President,

- (a) The time taken from the planning of a bus stop shelter project to its completion is about one year. This process includes the examination of proposals, consultation with District Boards and all the relevant Government departments (including Geotechnical Engineering Office, Highways Department, Lands Department and Police), site investigation and construction.

- (b) KMB's tentative programme was to construct about 400 shelters between mid 1995 to mid 1996. After circulation of the proposals and consultation, the number has had to be reduced to 206 because of local objections and site constraints such as the presence of underground utilities which cannot be shifted. Work on these shelters is in progress and they should be completed by mid 1996.

- (c) The provision of bus shelters takes into account passenger need and local conditions. Before actual construction, trial pits are dug on site to establish the best position for the foundation of the bus shelter and to identify possible site problems, e.g. the presence of underground utilities, which may need to be resolved before construction.

The particular problem regarding the site for the bus shelter at Pik Wan Road could not have been anticipated before trial pits were dug. The underground cables were found to be too close to the proposed foundation of the bus shelter. KMB is now looking into various ways of overcoming this particular problem.

- (d) Government regularly reviews the guidelines and procedures for the planning and construction of bus shelters. The last review was conducted in September 1994. Transport Department will continue to work closely with the franchised bus companies to monitor progress and to identify new sites for bus shelters.

End